

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-30082
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHARLES ELGIN STANLEY,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 01-CR-30013-ALL

August 20, 2002

Before HIGGINBOTHAM, DAVIS, and PARKER, Circuit Judges.

PER CURIAM:*

Charles Elgin Stanley appeals his jury-trial conviction for failure to pay a child support obligation, in violation of the Child Support Recovery Act (CSRA). He avers that this court should reconsider its decision in United States v. Bailey, 115 F.3d 1222 (5th Cir. 1997) which upheld the constitutionality of the CSRA. Stanley also contends that the statute is unconstitutional as it applies to him.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

This court reviews the constitutionality of a federal statute de novo. Bailey, 115 F.3d at 1225. However, because Stanley did not raise this objection in the lower court, review is for plain error. United States v. Knowles, 29 F.3d 947, 950 (5th Cir. 1994).

Bailey forecloses Stanley's challenge to the constitutionality of the CSRA. United States v. Taylor, 933 F.2d 307, 313 (5th Cir. 1991)(one panel of this circuit may not overrule another panel's decision). Nor has he shown that the CSRA is unconstitutional as applied to him. The judgment of the district court is AFFIRMED.

AFFIRMED.