

April 21, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-20708
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BRYAIN C. WILSON,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-00-CR-298-1

Before JOLLY, JONES, and SMITH, Circuit Judges.

PER CURIAM:*

Bryain C. Wilson was found guilty following a bench trial of being a felon in possession of a firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). He argues that the district court's original order suppressing evidence of the firearms was correct and should be reinstated. Wilson concedes that his argument is foreclosed under the law of the case doctrine by this court's decision in United States v. Wilson, 306 F.3d 231, 237 (5th Cir. 2002) (holding that the evidence was admissible and

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

vacating district court's order suppressing the evidence). He raises the claim solely to preserve the issue for possible further review.

The Government has moved for a summary affirmance in lieu of filing an appellee's brief. In its motion, the Government asks that an appellee's brief not be required. The unopposed motion is GRANTED. The judgment of the district court is AFFIRMED.

AFFIRMED; MOTION GRANTED.