

February 18, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-40868
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MICHAEL DEAN LANG,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:02-CR-78-1

Before HIGGINBOTHAM, EMILIO M. GARZA, and PRADO, Circuit Judges.

PER CURIAM:*

Michael Dean Lang appeals the sentence imposed by the district court following his guilty-plea conviction for possession of stolen firearms. Lang argues that the district court should not have increased his offense level by four levels under U.S.S.G. § 2K2.1(b)(5) because it already had increased his offense level by two levels under U.S.S.G. § 2K2.1(b)(4). Lang concedes that in United States v. Luna, 165 F.3d 316 (5th Cir. 1999), this court rejected the argument that he

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

advances, but he notes that other circuits have held otherwise. He thus seeks to preserve the argument for Supreme Court review.

This court reviews the district court's interpretation of the Guidelines *de novo*. Luna, 165 F.3d at 322. However, "it is the firm rule of this circuit that one panel may not overrule the decisions of another." United States v. Taylor, 933 F.2d 307, 313 (5th Cir. 1991). In Luna, 165 F.3d at 323, this court held that the firearms Guidelines permit separate enhancements for the firearms being stolen, under § 2K2.1(b)(4), and for the same firearms being possessed during the commission of the underlying felony offense of burglary, under § 2K2.1(b)(5). Because Lang's argument is directly foreclosed by the precedent of this court, the judgment of the district court is AFFIRMED.