

March 7, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-20606
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

NIKIA FRANKLIN,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:04-CR-190-ALL

Before KING, WIENER, and OWEN, Circuit Judges.

PER CURIAM:*

Appealing the Judgment in a Criminal Case, Nikia Franklin presents arguments that she concedes are foreclosed by the law of the case, see, e.g., Ward v. Santa Fe Indep. Sch. Dist., 393 F.3d 599, 607-08 (5th Cir. 2004) (reiterating that a party cannot raise an issue on appeal that could have been raised in an earlier appeal in the same case), and by circuit precedent, see, e.g., United States v. Daugherty, 264 F.3d 513, 518 (5th Cir. 2001)(rejecting a Commerce Clause challenge to the felon-in-possession-of-a-firearm statute, 18 U.S.C. § 922(g)). The

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Government's motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED.