

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10275
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DWAYNE PATTON,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:95-CR-310-H
- - - - -

October 23, 1996

Before POLITZ, Chief Judge, and JOLLY and HIGGINBOTHAM, Circuit Judges.

PER CURIAM:*

Dwayne Patton has appealed his conviction of having violated 18 U.S.C. § 922(g)(1). His contention that the statute is unconstitutional as applied to him lacks merit. United States v. Rawls, 85 F.3d 240 (5th Cir. 1996). Patton's contention that the evidence was insufficient, based on credibility choices made by the jury, is frivolous. See United States v. Robles-Pantoja, 887 F.2d 1250, 1254-55 (5th Cir. 1989).

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

JUDGMENT AFFIRMED.