

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-10575
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

HAROLD JERIOD JENNINGS,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:98-CR-300-1-X

December 16, 1999

Before JOLLY, HIGGINBOTHAM, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Harold Jeriod Jennings appeals his judgment of conviction for possession of a firearm by a felon solely to preserve his issue before the Supreme Court. Jennings argues that 18 U.S.C. § 922(g)(1) is unconstitutional on its face because it does not require a substantial effect on interstate commerce; that the indictment in this case is fatally defective because of its failure to allege a substantial effect on interstate commerce; and that there is an insufficient factual basis for conviction

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

under the statute because the mere movement of a firearm from one state to another, at some undetermined time in the past, does not constitute a substantial effect on interstate commerce. This argument lacks merit. See United States v. Rawls, 85 F.3d 240, 242 (5th Cir. 1996).

AFFIRMED.