

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-8298
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JESSE VACA ESTRADA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-92-CR-367
- - - - -
(October 28, 1993)

Before POLITZ, Chief Judge, and SMITH and WIENER, Circuit Judges.

PER CURIAM:*

The sole issue presented upon this appeal is whether appellant Estrada was validly convicted of violating 18 U.S.C. § 922(q), the "Gun-Free School Zones Act." Estrada was convicted on his conditional plea of guilty of discharging a firearm in a school zone with reckless disregard for the safety of another. The indictment did not allege any connection to interstate commerce.

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

This Court recently reversed a conviction under § 922(q) of possessing a firearm in a school zone and directed that the indictment be dismissed, on grounds that the "indictment did not allege any connection to interstate commerce." United States v. Lopez, 2 F.3d 1342 (5th Cir. Sept. 15, 1993, No. 92-5641), 1993 WL 355468 at *18. Accordingly, Estrada's conviction must be reversed and the cause remanded with directions to dismiss the indictment.

REVERSED.