

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-21168  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KEVIN REESE BROWN,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-00-CR-396-1  
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October 26, 2001

Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:\*

Kevin Reese Brown appeals his guilty-plea conviction for being a felon in possession of a firearm possessed in and affecting interstate commerce, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). He contends that the factual basis to which he pleaded was insufficient to support the interstate commerce element of a § 922(g)(1) offense and that this court should reconsider its jurisprudence regarding the constitutionality of § 922(g)(1) in light of Jones v. United

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

States, 529 U.S. 848 (2000), and United States v. Morrison, 529 U.S. 598 (2000).

"This court has repeatedly emphasized that the constitutionality of § 922(g)(1) is not open to question." See United States v. De Leon, 170 F.3d 494, 499 (5th Cir.), cert. denied, 528 U.S. 863 (1999). The cases cited by Brown are distinguishable and do not affect this determination. Consequently, the judgment of the district court is AFFIRMED.