

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-20321
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FRANCISCO SANCHEZ, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-00-CR-697-ALL

February 21, 2002

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Francisco Sanchez, Jr., appeals his conviction of one count of being a felon in possession of a firearm. He 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. As this court recently held, "the constitutionality of § 922(g) is not open to question." See United States v. Daugherty, 264 F.3d 513, 518 (5th Cir. 2001) (internal quotation omitted), pet. for cert. filed, No. 01-7524 (Dec. 20, 2001). The judgment of the district court is AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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