

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-10803  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EDWARD OLEAN GRAVES,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 1:96-CR-20-1-C  
- - - - -

July 31, 1998

Before KING, WIENER, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Edward Olean Graves appeals his jury-trial conviction for possession of unregistered firearms, destructive devices, in violation of 26 U.S.C. § 5861(d). He argues that the district court erred in denying his motion for judgment of acquittal based on the ground that § 5861(d) violates the Due Process Clause and exceeds the taxation power of Congress. Graves concedes that his argument is foreclosed by this court's holding in United States v. Gresham, 118 F.3d 258, 261-64 (5th Cir. 1997), cert. denied,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

118 S. Ct. 702 (1998). Accordingly, the district court did not err in denying Graves' motion for judgment of acquittal.

Graves also argues that the district court abused its discretion by denying his motion to excuse for cause potential jurors and by failing to grant additional peremptory challenges. We have reviewed the record and the briefs on appeal and find no abuse of discretion by the district court. United States v. Munoz, 15 F.3d 395, 397 (5th Cir. 1994).

AFFIRMED.