

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 97-10401  
Conference Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TOM PAUL JENKINS,  
also known as Tom P. Jenkins,

Defendant-Appellant.

- - - - -  
Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:96-CR-151  
- - - - -

December 10, 1997

Before BARKSDALE, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:\*

Tom Paul Jenkins entered a conditional guilty plea for possession of an unregistered firearm, an explosive bomb, in violation of 26 U.S.C. § 5861(d). He now appeals the district court's denial of his motion to dismiss the superseding indictment on grounds that § 5841 exceeds the taxation power of Congress and that § 5861(d) is a violation of the Due Process Clause. Jenkins concedes that his argument is foreclosed by this

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

court's holding in United States v. Gresham, 118 F.3d 258, 261-64 (5th Cir. 1997). Accordingly, the judgment of the district court is AFFIRMED.