

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-20128  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DAVID LEE EDDS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-96-CR-191-1  
- - - - -

October 22, 1997

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

PER CURIAM:\*

David Lee Edds appeals his guilty-plea conviction for possession a firearm in violation of 18 U.S.C. § 922(g)(1). Edds argues that the federal government cannot, consistent with the Interstate Commerce Clause, the Tenth Amendment, and in the wake of United States v. Lopez, 115 S. Ct. 1624 (1995), punish a felon's mere possession of a firearm that has traveled in interstate commerce at some unspecified time in the past because such possession lacks a sufficient nexus with interstate

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

commerce. Section 922(g)(1) has been consistently upheld as constitutional. See Scarborough v. United States, 431 U.S. 563 (1977); United States v. Kuban, 94 F.3d 971, 973 (5th Cir. 1996), cert. denied, 117 S. Ct. 716 (1997); United States v. Rawls, 85 F.3d 240, 242 (5th Cir. 1996).

AFFIRMED.