

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-51110
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GARY MICHAEL WITHERSPOON,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. A-99-CR-24-1-ALL-JN

December 14, 2001

Before DAVIS, BENAVIDES and STEWART, Circuit Judges.

PER CURIAM:*

Gary Michael Witherspoon appeals from his conviction of possession of a firearm by an individual subject to a court order regarding domestic violence. He argues that 18 U.S.C. § 922(g)(8) violates the Commerce Clause, the Fifth Amendment's due process component, and the Second Amendment. Witherspoon's contentions are unavailing -- 18 U.S.C. § 922(g)(8) does not violate the Commerce Clause, *United States v. Pierson*, 139 F.3d 501, 503-04 (5th Cir. 1998); does not violate the Fifth Amendment, *United States v. Emerson*, ___ F.3d ___ (5th Cir. Oct.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

16, 2001), 2001 U.S. App. LEXIS 22386, **16-20; and does not violate the Second Amendment. *Id.* at *146.

AFFIRMED.