

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-4582

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JAMES A. LIVERMAN, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern of Virginia, at Norfolk. Rebecca B. Smith, District Judge. (CR-02-17)

Submitted: November 7, 2002

Decided: November 13, 2002

Before WILKINS and LUTTIG, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Frank W. Dunham, Jr., Federal Public Defender, Walter B. Dalton, Assistant Federal Public Defender, Norfolk, Virginia, for Appellant. Paul J. McNulty, United States Attorney, Michael C. Moore, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

After his conviction for being a felon in possession of ammunition in violation of 18 U.S.C. § 922(g) (2000), James A. Liverman, Jr., appeals the district court's order denying Liverman's motion to dismiss the indictment.* Liverman claims the indictment pursuant to § 922(g) violated his rights under the Commerce Clause. We have reviewed the record and find no reversible error. As the district court correctly concluded, Liverman's claim is foreclosed by our decisions in United States v. Gallimore, 247 F.3d 134 (4th Cir. 2001), and United States v. Wells, 98 F.3d 808 (4th Cir. 1996). It is well established that a panel of this court cannot overrule the decision of another panel. United States v. Najjar, 300 F.3d 466, 486 n.8 (4th Cir. 2002). Accordingly, we affirm the district court's order. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

* Although Liverman pled guilty, he reserved the right to appeal the district court's denial of his motion to dismiss the indictment.