

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 11-1952

UNITED STATES OF AMERICA

v.

ALFREDO GASCA-CHAVEZ,
also known as
ALFREDO NAVARRO

Alfredo Gasca-Chavez,
Appellant

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. No. 2-10-cr-00394-001)
District Judge: Honorable Lawrence F. Stengel

Submitted Pursuant to Third Circuit LAR 34.1(a)
May 15, 2012

Before: SMITH, FISHER and GARTH, *Circuit Judges*.

(Filed: May 17, 2012)

JUDGMENT ORDER

Alfredo Gasca-Chavez appeals his judgment of conviction and sentence on the basis that 18 U.S.C. § 922(g)(5) is unconstitutional on its face and/or as applied to the facts of this case. Gasca-Chavez concedes that his argument is foreclosed by binding

Third Circuit precedent, and he raises the issue on appeal solely to preserve it for Supreme Court review.

The judgment of the U.S. District Court for the Eastern District of Pennsylvania entered April 1, 2011, is hereby affirmed.

By the Court,

/s/ D. Michael Fisher

Circuit Judge

Dated: May 17, 2012

ATTEST:

/s/Marcia M. Waldron,

Clerk