

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 96-3378EM

United States of America,	*	
	*	
Appellee,	*	Appeal from the United States
	*	District Court for the Eastern
v.	*	District of Missouri.
	*	
Ira Anthony Johnson,	*	[UNPUBLISHED]
	*	
Appellant.	*	

Submitted: April 3, 1997

Filed: April 9, 1997

Before McMILLIAN, FAGG, and LOKEN, Circuit Judges.

PER CURIAM.

Ira Anthony Johnson appeals his weapons-related convictions and guidelines sentence. Johnson's challenge to the constitutionality of the 18 U.S.C. § 922(g)(1) weapons charges based on Lopez v. United States, 115 S. Ct. 1624 (1995), is foreclosed by our recent decisions. See United States v. Bates, 77 F.3d 1101, 1103-04 (8th Cir.), cert. denied, 117 S. Ct. 215 (1996); United States v. Shelton, 66 F.3d 991, 992 (8th Cir. 1995) (per curiam), cert. denied, 116 S. Ct. 1364 (1996). Also, the district court correctly concluded that in the absence of a motion by the Government for a downward departure it could not sentence Johnson to less than the minimum fifteen-year term mandated by 18 U.S.C. § 924(e)(1). See United States v. Rudolph, 970 F.2d 467, 470 (8th Cir. 1992), cert. denied, 506 U.S. 1069 (1993). We thus affirm Johnson's convictions and sentence. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.