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2003 Decisions

Opinions of the United  
States Court of Appeals  
for the Third Circuit

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6-3-2003

**USA v. Bell**

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**NOT PRECEDENTIAL**

IN THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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NO. 02-2340

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UNITED STATES OF AMERICA

v.

STEVEN BELL  
a/k/a  
JAMES MOORE

Steven Bell,  
*Appellant*

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On Appeal From the United States District Court  
For the Eastern District of Pennsylvania  
(D.C. No. 01-cr-00169-1)  
District Judge: Honorable Jan E. DuBois

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Submitted Under Third Circuit LAR 34.1(a)  
April 8, 2003

Before: BECKER, Chief Judge,\* BARRY and BRIGHT\*\*  
Circuit Judges.

(Filed June 3, 2003 )

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\*Judge Becker's term as Chief Judge ended on May 4, 2003.

\*\*Honorable Myron H. Bright, United States Circuit Judge for the Eighth Circuit,  
sitting by designation.

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OPINION

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BECKER, *Circuit Judge*.

Steven Bell appeals his conviction under the Felon-in-Possession statute, 18 U.S.C. § 922(g). The facts are neither in dispute nor dispositive of this appeal. At all events, they are well known to the parties hence we need not recount them here.

Bell makes three challenges to his conviction. First Bell asserts that § 922 (g) is unconstitutional under the Second Amendment of the U.S. Constitution. However, Bell's Second Amendment challenge to the Felon-in-Possession statute is foreclosed by a number of cases from this Court, the latest of which is *United States v. Rybar*, 103 F.3d 273 (3d Cir. 1996), which held that "this court has on several occasions emphasized that the Second Amendment furnishes no absolute right to firearms." Second, Bell advances a Fifth Amendment challenge to the statute, but that challenge rests on the foundational assertion that the right to bear arms is personal and fundamental, which it is not. Finally, Bell interposes a Commerce Clause challenge to the constitutionality of § 922(g) but that challenge is squarely foreclosed by *United States v. Singletary*, 268 F.3d 196 (3d Cir. 2001), which upheld 18 U.S.C. § 922(g)(1) against a Commerce Clause challenge.

The judgment of the District Court will be affirmed.

TO THE CLERK:

Kindly file the foregoing opinion.

/s/Edward R. Becker

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Circuit Judge

