



The Fourth Circuit has previously upheld § 922(g)(1) against attack based on *Lopez*, in light of the specific jurisdictional element of the statute, not present in the firearm statute held unconstitutional in *Lopez*. See *United States v. Nathan*, 202 F.3d 230, 234 (4th Cir.), *cert. denied*, 120 S. Ct. 1994 (2000); *United States v. Wells*, 98 F.3d 808, 810-11 (4th Cir. 1996). I agree with those courts that have held that *Morrison* does not change this analysis, since *Morrison* involved a federal statute without an express jurisdictional element that sought to regulate non-commercial activity. See *United States v. Jones*, No. 99-10462, 2000 WL 1638552, at \*4-5 (9th Cir. Nov. 2, 2000); *United States v. Wesela*, 223 F.3d 656, 659-60 (7th Cir. 2000).<sup>1</sup>

Accordingly, it is **ORDERED** that the Motion to Dismiss (Doc. No. 13) is denied.

ENTER: November 21, 2000

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United States District Judge

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<sup>1</sup> Unlike the civil remedy of the Violence Against Women Act struck down in *Morrison*, the criminal provisions of that act require that the defendant cross state lines during the commission of the crime. The Court in *Morrison* pointed out that based on that jurisdictional element the courts of appeals have “uniformly upheld” the constitutionality of this federal crime. See *Morrison*, 120 S. Ct. at 1752 n.5.