

**UNPUBLISHED ORDER**  
Not to be cited per Circuit Rule 53

# United States Court of Appeals

For the Seventh Circuit  
Chicago, Illinois 60604

Submitted January 25, 2006

Decided January 26, 2006

## Before

Hon. RICHARD A. POSNER, *Circuit Judge*

Hon. DANIEL A. MANION, *Circuit Judge*

Hon. DIANE P. WOOD, *Circuit Judge*

No. 05-2768

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

*v.*

BRIAWN D. JACKSON,  
*Defendant-Appellant.*

Appeal from the United States  
District Court for the Northern  
District of Indiana

No. 03 CR 63

Theresa L. Springmann,  
*Judge.*

## O R D E R

Briawn Jackson raises two issues on appeal: (1) that an enhancement of his offense level based on a finding of loss amount that was neither proven to a jury beyond a reasonable doubt nor stipulated to by Jackson violates the ex post facto and due process clauses of the Constitution, and (2) that an increase of his mandatory minimum sentence based on a finding that he brandished a weapon that was neither proven to a jury beyond a reasonable doubt nor stipulated to by Jackson violates his Sixth Amendment right to a jury trial and the ex post facto and due process clauses of the Constitution. Jackson concedes that both issues are foreclosed by precedent – the first by *United States v. Jamison*, 416 F.3d 538 (7th Cir. 2005), and the second by *Harris v. United States*, 536 U.S. 545 (2002); *see also United States v. Jones*, 418 F.3d 726, 731-32 (7th Cir. 2005) – and brings his appeal solely to preserve the issues for presentation to the Supreme Court. We agree that Jackson’s arguments are foreclosed by precedent.

**AFFIRMED.**