IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT United States Cou

United States Court of Appeals Fifth Circuit

FILED August 21, 2012

No. 12-50002 Conference Calendar

Lyle W. Cayce Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ANDREW GARRETT ALLARD, also known as Andres Garrett Allard, also known as Adrew Garrett Allard,

Defendant-Appellant

Appeal from the United States District Court for the Western District of Texas USDC No. 3:11-CR-1300-1

Before SMITH, ELROD, and SOUTHWICK, Circuit Judges. PER CURIAM:*

Appealing the judgment in a criminal case, Andrew Garrett Allard raises arguments that he concedes are foreclosed by *United States v. Heth*, 596 F.3d 255, 258-59 & n.3 (5th Cir. 2010), which held that (1) the Sex Offender Registration and Notification Act (SORNA) was a valid exercise of Congress's power under the Commerce Clause and (2) the defendant's conviction under SORNA did not violate his due process rights even though (a) the states in which

 $^{^{*}}$ Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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he traveled had not yet implemented SORNA and (b) he had not received actual notice of SORNA's registration requirements. *See United States v. Whaley*, 577 F.3d 254, 258-62 (5th Cir. 2009). The Government's motion for summary affirmance is GRANTED, the Government's alternative motion for an extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.