

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

February 12, 2010

No. 09-40108
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ALFREDO RODRIGUEZ, JR.,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:07-CR-854-1

Before GARZA, DENNIS, and ELROD, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Alfredo Rodriguez, Jr., raises arguments that are foreclosed by *United States v. Jimenez*, 323 F.3d 320, 322 (5th Cir. 2003), which upheld the constitutionality of 18 U.S.C. § 2119 as a valid exercise of Congress's Commerce Clause powers. The appellant's motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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