

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

United States Court of Appeals
Fifth Circuit

FILED

October 26, 2010

Lyle W. Cayce
Clerk

No. 09-51134
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MURFERY LEE SCHILB,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:08-CR-938-1

Before SMITH, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Murfery Lee Schilb presents an argument that he concedes is foreclosed by *United States v. Whaley*, 577 F.3d 254, 258-61 (5th Cir. 2009), in which this court rejected constitutional challenges to the Sex Offender Registration and Notification Act.

The Government's motion for summary affirmance is GRANTED, its alternative motion for an extension of time is DENIED, 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.