

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

United States Court of Appeals
Fifth Circuit

FILED

August 16, 2011

Lyle W. Cayce
Clerk

No. 10-51110
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

AARON RAY MILLER,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:10-CR-15-1

Before HIGGINBOTHAM, CLEMENT, and ELROD, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Aaron Ray Miller presents arguments that he concedes are foreclosed by *United States v. Whaley*, 577 F.3d 254, 258, 261-62 & n.6 (5th Cir. 2009), which held that proof of knowledge of the registration requirements of the Sex Offender Registration and Notification Act is not required for a conviction under 18 U.S.C. § 2250(a), and which rejected a Commerce Clause challenge to those registration requirements. *See also United States v. Heth*, 596 F.3d 255, 258-60 & n.3 (5th Cir. 2010). The Government's

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED.