

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

No. 13-31256
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 14, 2014

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CARLOS HARGES,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:12-CR-293-1

Before REAVLEY, JONES, and PRADO, Circuit Judges.

PER CURIAM:*

Carlos Harges pleaded guilty, pursuant to a plea agreement, to failing to register as a sex offender under the Sex Offender Registration and Notification Act (SORNA). Prior to his guilty plea, Harges moved unsuccessfully to dismiss his indictment, arguing in part that Congress improperly delegated to the Attorney General the power to decide whether SORNA's registration requirements applied to sex offenders, like Harges, who were convicted before

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 13-31256

SORNA went into effect. In his plea agreement, Harges reserved the right to raise this issue on appeal.

We have addressed and rejected previous challenges to SORNA based on the nondelegation doctrine. *See United States v. Johnson*, 632 F.3d 912, 917 (5th Cir. 2011); *United States v. Whaley*, 577 F.3d 254, 262-64 (5th Cir. 2009). Harges recognizes our precedent, but urges that *Reynolds v. United States*, 132 S. Ct. 975 (2012), calls into question its continued applicability. *Reynolds*, however, did not explicitly or implicitly overrule *Johnson* and *Whaley*; accordingly, we are bound by those decisions. *See United States v. Short*, 181 F.3d 620, 624 (5th Cir. 1999). Consequently, the judgment of the district court is AFFIRMED.