

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

No. 15-10080
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 22, 2015

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

SERGIO CHAVARRIA DELGADO,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:13-CR-119-1

Before HIGGINBOTHAM, DENNIS, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Sergio Chavarria Delgado raises an argument that is foreclosed by *United States v. Alcantar*, 733 F.3d 143, 145-46 (5th Cir. 2013). In *Alcantar*, we rejected the argument that *Nat'l Fed'n of Indep. Bus. v. Sebelius*, 132 S. Ct. 2566 (2012) (*NFIB*), affected our prior jurisprudence rejecting challenges to the constitutionality of 18 U.S.C. § 922(g)(1). 733 F.3d at 146. Because 18 U.S.C. § 922(j) is substantially similar

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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to § 922(g), the same result is reached with respect to Delgado's challenge to it. *See United States v. Luna*, 165 F.3d 316, 319 (5th Cir. 1999). As Delgado acknowledges, his challenge to § 922(g)(1) and (j) is foreclosed by our jurisprudence, and, as explained in *Alcantar*, *NFIB* does not change this result. The Government's unopposed motion for summary affirmance is GRANTED, its alternate motion for extension of time is DENIED, and the judgment of the district court is AFFIRMED.