

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

No. 16-40066
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 18, 2016

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

FRANCISCO DE LA CRUZ-TREVINO,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:15-CR-292-1

Before HIGGINBOTHAM, JONES, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Francisco De La Cruz-Trevino raises an argument that is foreclosed by *United States v. Daugherty*, 264 F.3d 513, 518 (5th Cir. 2001). In *Daugherty*, we rejected a Commerce Clause challenge to 18 U.S.C. § 922(g) and held that “the constitutionality of § 922(g) is not open to question.” *Daugherty*, 264 F.3d at 518 (internal

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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