

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

No. 17-11025
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 21, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

versus

EMORY DICKSON ENEH,

Defendant–Appellant.

Appeal from the United States District Court
for the Northern District of Texas
No. 3:16-CR-420-1

Before HIGGINBOTHAM, JONES, and SMITH, Circuit Judges.

PER CURIAM:*

Emory Eneh appeals his convictions of possession of a firearm by a

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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convicted felon in violation of 18 U.S.C. § 922(g)(1). Through counsel, Eneh has filed an unopposed motion for summary disposition. He maintains that § 922(g) is unconstitutional because it regulates conduct that falls outside Congress's powers under the Commerce Clause. He concedes that the argument, which he raises for the first time on appeal, was rejected in *United States v. Alcantar*, 733 F.3d 143, 145–46 (5th Cir. 2013), and is foreclosed. He raises the point solely to preserve it for possible further review.

The motion for summary disposition is GRANTED, and the judgment is AFFIRMED. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).