

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

United States Court of Appeals
Fifth Circuit

FILED

August 25, 2020

Lyle W. Cayce
Clerk

No. 20-10029
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DALLAS RAY MORALES,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:19-CR-167-1

Before DAVIS, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:*

Dallas Ray Morales appeals his guilty plea conviction for being a felon in possession of ammunition, in violation of 18 U.S.C. § 922(g)(1). Relying on *National Federation of Independent Business v. Sebelius*, 567 U.S. 519 (2012), Morales argues that § 922(g)(1) is unconstitutional because it exceeds Congress's authority under the Commerce Clause to regulate economic activities. He concedes that this argument is foreclosed by our decision in

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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United States v. Alcantar, 733 F.3d 143 (5th Cir. 2013). Citing *Alcantar*, the Government moves for summary affirmance or, in the alternative, for an extension of time in which to file a merits brief.

The Government's position is "clearly right as a matter of law so that there can be no substantial question as to the outcome of the case." *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969); see *Alcantar*, 733 F.3d at 145-46. Accordingly, the motion for summary affirmance is GRANTED. The Government's alternate motion for an extension of time is DENIED. The judgment is AFFIRMED.