

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

United States Court of Appeals  
Fifth Circuit

**FILED**

February 15, 2011

Lyle W. Cayce  
Clerk

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No. 10-10458  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARIO ARTURO DELAGARZA,

Defendant-Appellant

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 6:09-CR-52-1

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Before HIGGINBOTHAM, GARZA, and ELROD, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Mario Arturo DelaGarza presents arguments that he concedes are foreclosed by *United States v. Daugherty*, 264 F.3d 513, 518 (5th Cir. 2001), which rejected a Commerce Clause challenge to 18 U.S.C. § 922(g)(1), and *United States v. Dancy*, 861 F.2d 77, 81-82 (5th Cir. 1988), which held that a conviction under § 922(g) does not require proof that the defendant knew that the firearm had an interstate nexus or that he was a felon. The Government's motion for summary affirmance is

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 10-10458

GRANTED, its alternative motions to dismiss and for an extension of time to file a brief are DENIED, and the judgment of the district court is AFFIRMED.