

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

United States Court of Appeals
Fifth Circuit

FILED

April 19, 2011

Lyle W. Cayce
Clerk

No. 10-20473

Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

HERBERT CISCO HAY,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:10-CR-9-1

Before JOLLY, OWEN, and HAYNES, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Herbert Cisco Hay 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 the felon-in-possession-of-a-firearm statute, 18 U.S.C. § 922(g). The appellant's motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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