

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

United States Court of Appeals
Fifth Circuit

FILED

September 23, 2010

Lyle W. Cayce
Clerk

No. 10-50050

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CEDRIC BINION,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:09-CR-2062-1

Before JOLLY, GARZA and STEWART, Circuit Judges.

PER CURIAM:*

Following a bench trial on stipulated facts, Cedric Binion was convicted of one charge of failing to register as a sex offender and was sentenced to serve 30 months in prison. We are now presented with Binion's challenge to this conviction. His first argument is that the evidence adduced at trial was insufficient to convict him of knowingly failing to register in accordance with Sex Offender Registration and Notification Act. This argument is substantially similar to others that we have rejected in the past and is unavailing. *See United*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

States v. Whaley, 577 F.3d 254, 262 and n.6 (5th Cir. 2009); *see also United States v. Heth*, 596 F.3d 255, 258 (5th Cir. 2010). Binion's Commerce Clause and Due Process arguments are, as he concedes, foreclosed. *See Heth*, 596 F.3d at 259-60; *Whaley*, 577 F.3d at 258-62. The judgment of the district court is AFFIRMED.