

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

No. 16-11476
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 21, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

WILLIAM JACKSON,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:15-CR-547-1

Before REAVLEY, PRADO, and GRAVES, Circuit Judges.

PER CURIAM:*

William Jackson pleaded guilty to being a felon in possession of a firearm. For the first time on appeal, he argues that 18 U.S.C. § 922(g)(1) is unconstitutional. The Government has filed an unopposed motion for summary affirmance arguing that Jackson's challenge is foreclosed by circuit precedent or, alternatively, requesting an extension of time to file its brief on the merits.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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We note that the written judgment does not accurately reflect Jackson's conviction under § 922(g)(1). The district court may correct a clerical error such as this one at any time pursuant to Federal Rule of Criminal Procedure 36.

Jackson's argument that § 922(g)(1) is unconstitutional because it exceeds the scope of Congress's power under the Commerce Clause is foreclosed. *See United States v. Alcantar*, 733 F.3d 143, 145-46 (5th Cir. 2013); *United States v. Daugherty*, 264 F.3d 513, 518 (5th Cir. 2001); *United States v. De Leon*, 170 F.3d 494, 499 (5th Cir. 1999). He raises the argument to preserve it for further review. Accordingly, the Government's motion for summary affirmance is GRANTED, the alternative motion for an extension of time to file a brief is DENIED, the judgment of the district court is AFFIRMED, and we REMAND to the district court for the limited purpose of correcting the clerical error in the written judgment.