

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

United States Court of Appeals
Fifth Circuit

FILED

February 11, 2020

Lyle W. Cayce
Clerk

No. 19-10810

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CHRISTOPHER GEORGE WIGGIN,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:19-CR-14-1

Before SMITH, DENNIS, and DUNCAN, Circuit Judges

PER CURIAM:*

Christopher George Wiggin appeals his guilty plea conviction for possession of a firearm by a convicted felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). Relying chiefly on *National Federation of Independent Business v. Sebelius*, 567 U.S. 519 (2012), he argues that § 922(g)(1) unconstitutionally extends federal control to the mere non-commercial possession of a firearm. Wiggin concedes, however, that his

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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argument is foreclosed by circuit precedent, and he raises the issue to preserve it for further review.

“[T]he constitutionality of § 922(g)(1) is not open to question.” *United States v. De Leon*, 170 F.3d 494, 499 (5th Cir. 1999); *see also United States v. Alcantar*, 733 F.3d 143, 146 (5th Cir. 2013). Accordingly, the Government’s motion for summary affirmance is GRANTED. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). The Government’s alternative motion for an extension of time to file a brief is DENIED as unnecessary. The judgment of the district court is AFFIRMED.