

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

August 10, 2022

Lyle W. Cayce  
Clerk

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No. 21-11263  
Summary Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

BRANDON WILLIAMS,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:21-CR-165-1

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Before DAVIS, SMITH, and DENNIS, *Circuit Judges.*

PER CURIAM:\*

Brandon Williams appeals his conviction and sentence for possession of a firearm by a convicted felon. He first challenges the calculation of his advisory guidelines range based on the characterization of a prior Louisiana conviction as a controlled substance offense. He also argues that 18 U.S.C.

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 21-11263

§ 922(g)(1) is an unconstitutional exercise of power under the Commerce Clause and that his indictment failed to include, as the mens rea element for the offense, that he knew that his possession of the firearm was in or affecting interstate commerce. Williams acknowledges these arguments to be foreclosed but explains that he seeks to preserve them for further review. The Government has filed an unopposed motion for summary affirmance or, in the alternative, an extension of time to file its brief.

The challenge to Williams's guidelines range calculation depends on a categorical-approach argument that he correctly concedes is foreclosed. *See Vasquez v. Sessions*, 885 F.3d 862, 873-74 (5th Cir. 2018) (citing *United States v. Castillo-Rivera*, 853 F.3d 218, 223 (5th Cir. 2017) (en banc)). His remaining arguments are also foreclosed. *See United States v. Hicks*, 958 F.3d 399, 402 n.1 (5th Cir. 2020); *United States v. Alcantar*, 733 F.3d 143, 145-46 (5th Cir. 2013). The parties are correct that summary affirmance is appropriate. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).

Accordingly, the Government's motion for summary affirmance is GRANTED, the Government's alternative motion for an extension of time to file a brief is DENIED, and the district court's judgment is AFFIRMED.