

# United States Court of Appeals for the Fifth Circuit

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No. 24-20266  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**  
February 19, 2025

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

DEONTA BROWN,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:20-CR-502-2

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Before JOLLY, GRAVES, and OLDHAM, *Circuit Judges*.

PER CURIAM:\*

Deonta Brown was convicted of aiding and abetting interference with commerce by robbery, in violation of 18 U.S.C. §§ 1951(a) and 2, and aiding and abetting using, carrying, and brandishing a firearm during and in relation to a crime of violence, in violation of 18 U.S.C. §§ 924(c)(1)(A)(ii) and 2. He

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\* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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was sentenced to a total term of 162 months of imprisonment and three years of supervised release.

On appeal, Brown challenges the sufficiency of the factual basis regarding the interstate commerce element of § 1951(a), asserting that the taking of \$100 in cash and a cell phone worth approximately \$130 failed to establish a substantial effect on interstate commerce. He concedes, however, that his argument is foreclosed by *United States v. Robinson*, 119 F.3d 1205, 1212-14 (5th Cir. 1997), and that he raises this issue merely to preserve it for further review. The Government therefore has filed an unopposed motion for summary affirmance or, alternatively, for an extension of time to file a brief.

Because Brown is correct that his argument is foreclosed, *see United States v. Turner*, 674 F.3d 420, 443-44 & n.88 (5th Cir. 2012), summary affirmance is appropriate, *see Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). 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.