

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

June 22, 2021

Lyle W. Cayce  
Clerk

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No. 20-11108  
Summary Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

DAMONI OWENS,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:15-CR-37-1

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

PER CURIAM:\*

Damoni Owens appeals his guilty plea conviction for being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). Relying on *National Federation of Independent Business v. Sebelius*, 567 U.S. 519 (2012), Owens argues that § 922(g)(1) is unconstitutional because it exceeds

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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Congress's authority under the Commerce Clause. He concedes that this argument is foreclosed by our decision in *United States v. Alcantar*, 733 F.3d 143 (5th Cir. 2013). Citing *Alcantar*, the Government moves for summary affirmance or, in the alternative, for an extension of time in which to file a merits brief.

The Government's position is "clearly right as a matter of law so that there can be no substantial question as to the outcome of the case." *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969); see *Alcantar*, 733 F.3d at 145-46. Accordingly, the motion for summary affirmance is GRANTED. The Government's alternative motion for an extension of time is DENIED as moot. The judgment is AFFIRMED.