

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

July 22, 2021

Lyle W. Cayce
Clerk

No. 20-11148
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

TERRANCE V. FRELIX,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:20-CR-123-1

Before DAVIS, JONES, and ELROD, *Circuit Judges.*

PER CURIAM:*

Terrance V. Frelix appeals his conviction for possessing a firearm after having been convicted of a felony offense. *See* 18 U.S.C. § 922(g)(1). He contends that § 922(g)(1) exceeds Congress's power to legislate on issues affecting interstate commerce, and he cites *National Federation of Independent*

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.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. 20-11148

Business v. Sebelius, 567 U.S. 519 (2012). Frelix concedes that his argument is foreclosed by *United States v. Alcantar*, 733 F.3d 143 (5th Cir. 2013), but he seeks to preserve the issue for future review. Agreeing that *Alcantar* forecloses relief, the Government moves for summary affirmance or, alternatively, for an extension of time in which to file a merits brief.

The parties are correct that Frelix's argument is foreclosed. *See Alcantar*, 733 F.3d at 145-46; *see generally Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). Accordingly, the Government's motion for summary affirmance is GRANTED. Its alternative motion for an extension of time is DENIED. The judgment is AFFIRMED.