

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 12-13540  
Non-Argument Calendar

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D.C. Docket No. 1:11-cr-20486-UU-1

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

SHAQUEVIA GILMORE,  
a.k.a. Shaquvia Gilmore,  
a.k.a. Shequavia Gilmore,  
a.k.a. Shaquevie Gilmore,

Defendant - Appellant.

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Appeal from the United States District Court  
for the Southern District of Florida

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(April 23, 2013)

Before CARNES, BARKETT and KRAVITCH, Circuit Judges.

PER CURIAM:

Shaquevia Gilmore pleaded guilty in 2012 to possessing a firearm as a felon, in violation of 18 U.S.C. § 922(g)(1). Because Gilmore had previously been convicted of three serious drug offenses, the district court sentenced her to a statutory mandatory minimum of 180 months' imprisonment under the Armed Career Criminal Act, 18 U.S.C. § 924(e). As we explain below, because the two arguments Gilmore raises on appeal are foreclosed by binding precedent, we affirm.

Gilmore first contends that 18 U.S.C. § 922(g) exceeds Congress's Commerce Clause power, both facially and as applied. But prior precedent dictates that § 922(g) is facially constitutional. *United States v. Jordan*, 635 F.3d 1181, 1189 (11th Cir. 2011). And we have found it constitutional as applied to a defendant who, like Gilmore, stipulated "that the firearm in question had travelled in interstate commerce." *See id.* (internal quotation marks omitted).

Gilmore next argues that the district court violated her Fifth and Sixth Amendment rights by enhancing her sentence based on prior convictions not charged in the indictment or admitted as part of her guilty plea. This argument is likewise foreclosed by binding precedent. *See Almendarez-Torres v. United States*, 523 U.S. 224, 228, 247 (1998) (holding that prior convictions used to enhance a defendant's sentence are not elements of an offense and therefore need not be alleged in the indictment or proven beyond a reasonable doubt).

For the above reasons, Gilmore's conviction and sentence are

**AFFIRMED.**