

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 18-10349
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 26, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

PERCY ELWAYNE DEMERSON,

Defendant - Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:17-CR-222-1

Before SMITH, WIENER, and WILLETT, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Percy Elwayne Demerson raises arguments that are foreclosed by *United States v. Alcantar*, 733 F.3d 143, 145-46 (5th Cir. 2013), and *United States v. Trejo*, 610 F.3d 308, 313 (5th Cir. 2010). In *Alcantar*, we rejected the argument that *Nat'l Fed'n of Indep. Bus. v. Sebelius*, 567 U.S. 519 (2012), affected our prior jurisprudence rejecting challenges to the constitutionality of 18 U.S.C. § 922(g)(1). *Alcantar*, 733 F.3d

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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at 146. In *Trejo*, we applied the plain error standard of review to a factual sufficiency claim that was raised for the first time in this court. *Trejo*, 610 F.3d at 313.

Accordingly, the Government's motion for summary affirmance is GRANTED, its alternative motion for extension of time is DENIED, and the judgment of the district court is AFFIRMED.