

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**F I L E D**

October 26, 2010

No. 09-51134  
Conference Calendar

Lyle W. Cayce  
Clerk

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MURFERY LEE SCHILB,

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 5:08-CR-938-1

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Before SMITH, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Murfery Lee Schilb presents an argument that he concedes is foreclosed by *United States v. Whaley*, 577 F.3d 254, 258-61 (5th Cir. 2009), in which this court rejected constitutional challenges to the Sex Offender Registration and Notification Act.

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

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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