

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

United States Court of Appeals
Fifth Circuit

FILED

August 21, 2012

Lyle W. Cayce
Clerk

No. 12-50130
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE MONTEJO,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:11-CR-2205-1

Before SMITH, ELROD, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Jose Montejo raises arguments that he concedes are foreclosed by *United States v. Heth*, 596 F.3d 255, 258-59 & n.3 (5th Cir. 2010), which held that (1) the Sex Offender Registration and Notification Act (SORNA) was a valid exercise of Congress's power under the Commerce Clause and (2) the defendant's conviction under SORNA did not violate his due process rights even though (a) the states in which he traveled had not yet implemented SORNA and (b) he had not received actual notice of

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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SORNA's registration requirements. *See United States v. Whaley*, 577 F.3d 254, 258-62 (5th Cir. 2009). The Government's motion for summary affirmance is GRANTED, the Government's alternative motion for an extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.