

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

\_\_\_\_\_  
No. 17-10099  
Summary Calendar  
\_\_\_\_\_

United States Court of Appeals  
Fifth Circuit  
**FILED**  
September 21, 2017  
Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

LINDSEY EWING,

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:16-CR-56-1  
\_\_\_\_\_

Before DAVIS, CLEMENT, and COSTA, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Lindsey Ewing 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, 312-13 (5th Cir. 2010). In *Alcantar*, we rejected the argument that *Nat'l Fed'n of Indep. Bus. v. Sebelius*, 132 S. Ct. 2566 (2012), affected our prior jurisprudence rejecting challenges to the constitutionality of 18 U.S.C. § 922(g)(1). *Alcantar*, 733 F.3d

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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at 146. In *Trejo*, we applied the plain error standard 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 is AFFIRMED.