

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

No. 17-10950
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 15, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

BRYAN MARQUE GILSTRAP,

Defendant - Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:16-CR-344-1

Before ELROD, GRAVES, and DUNCAN, Circuit Judges.

PER CURIAM:*

Bryan Marque Gilstrap appeals his conviction of possession of a firearm by a convicted felon in violation of 18 U.S.C. § 922(g)(1). He has filed an unopposed motion for summary disposition of his appeal, conceding that his arguments raised for the first time on appeal are foreclosed by this court's

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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precedents. He raises the arguments solely to preserve them for possible further review.

Although Gilstrap argues that § 922(g) is unconstitutional because it regulates conduct that falls outside of the Commerce Clause in Article I, Section Eight, of the Constitution, we rejected that argument in *United States v. Alcantar*, 733 F.3d 143, 145-46 (5th Cir. 2013). We have also rejected the argument, like Gilstrap's, that a conviction under § 922(g) requires proof that a defendant knew that the firearm he possessed had traveled in interstate commerce. *United States v. Rose*, 587 F.3d 695, 705-06 (5th Cir. 2009).

Accordingly, because summary disposition is appropriate, Gilstrap's unopposed motion for summary disposition is GRANTED, and the district court's judgment is AFFIRMED. See *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).