

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

October 3, 2007

No. 06-51698
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

MICHAEL SERNA

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:06-CR-301-ALL

Before JOLLY, DAVIS, and WIENER, Circuit Judges.

PER CURIAM:*

Appealing the Judgment in a Criminal Case, Michael Serna presents arguments that he concedes are foreclosed by *United States v. Rawls*, 85 F.3d 240, 242-44 (5th Cir. 1996), which rejected a Commerce Clause challenge to the felon-in-possession-of-a-firearm statute, 18 U.S.C. § 922(g). See *United States v. Daugherty*, 264 F.3d 513, 518 (5th Cir. 2001). Although Serna argued in a supplemental brief that his prior Texas convictions for delivery of cocaine are not

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

controlled substance offenses, he has since supplemented the record with documents that he concedes establish that the convictions are controlled substance offenses. The Government's motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED.