

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

October 3, 2007

No. 07-10533
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

PASCUAL SAMUEL GUERRERO

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:06-CR-58-ALL

Before JOLLY, DAVIS, and WIENER, Circuit Judges.

PER CURIAM:*

Appealing the Judgment in a Criminal Case, Pascual Samuel Guerrero presents arguments that are foreclosed by *United States v. Daugherty*, 264 F.3d 513, 518 (5th Cir. 2001), which rejected a Commerce Clause challenge to the felon-in-possession-of-a-firearm statute, 18 U.S.C. § 922(g), and by *United States v. Dancy*, 861 F.2d 77, 81-82 (5th Cir. 1988), which held that a conviction under § 922(g) does not require proof that the defendant knew that the firearm had an

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

interstate nexus or that he was a felon. Guerrero also raises arguments that are foreclosed by *United States v. Schmidt*, 487 F.3d 253, 254-55 (5th Cir. 2007), which rejected challenges based on *Staples v. United States*, 511 U.S. 600 (1994), and *Bryan v. United States*, 524 U.S. 184 (1998), to the validity of Dancy. The Government's motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED.