

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

United States Court of Appeals  
Fifth Circuit

**FILED**

June 22, 2010

Lyle W. Cayce  
Clerk

\_\_\_\_\_  
No. 09-41272

Conference Calendar  
\_\_\_\_\_

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE HINOJOSA, also known as Joe Anthony Hinojosa,

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 2:09-CR-480-1  
\_\_\_\_\_

Before JOLLY, STEWART, and OWEN, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Jose Hinojosa presents arguments that he concedes are foreclosed. *See United States v. Daugherty*, 264 F.3d 513, 518 (5th Cir. 2001) (rejecting Commerce Clause-based challenge to 18 U.S.C. § 922(g)(1)); *United States v. De Leon*, 170 F.3d 494, 499 (5th Cir. 1999) (same); *United States v. Rawls*, 85 F.3d 240, 242 (5th Cir. 1996) (same). The Government's motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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