

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 23, 2024

Lyle W. Cayce
Clerk

No. 23-20196
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JORGE BARTOLOMEI,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:22-CR-91-1

Before ELROD, OLDHAM, and WILSON, *Circuit Judges.*

PER CURIAM:*

Jorge Bartolomei pleaded guilty to possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g)(1). He argues for the first time on appeal that § 922(g)(1) is unconstitutional in light of the Supreme Court's decision in *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1,

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

No. 23-20196

17 (2022), which announced a new test for assessing whether a statute infringes the Second Amendment.

Because Bartolomei did not raise his arguments before the district court, we review them for plain error. *See Puckett v. United States*, 556 U.S. 129, 134 (2009). He cannot show a clear or obvious error. *See United States v. Jones*, 88 F.4th 571, 573-74 (5th Cir. 2023). Bartolomei's contention is therefore unavailing.

AFFIRMED.