

# United States Court of Appeals for the Fifth Circuit

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No. 23-30638  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit  
**FILED**  
December 17, 2024

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

ISMAEL MOISES HAYNES,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 3:23-CR-71-1

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Before KING, SOUTHWICK, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:\*

Ismael Moises Haynes pled guilty to being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). Before sentencing, he moved to withdraw his plea in light of *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1 (2022), which altered the Second Amendment landscape. The district court denied that motion, concluding that felons are not part of

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

No. 23-30638

“the people” protected by the Second Amendment.<sup>1</sup> Haynes appealed, raising a facial challenge to Section 922(g)(1).

We recently addressed a facial challenge to Section 922(g)(1), holding that facial challenges to the provision fail because at least one application is constitutional. *United States v. Diaz*, 116 F.4th 458, 471–72 (5th Cir. 2024). As Haynes makes clear in his briefing, he raises only a facial challenge, not an as-applied challenge. Therefore, his sole issue on appeal is foreclosed. *See United States v. French*, 121 F.4th 538, 538 (5th Cir. 2024).

We remove this appeal from abeyance and AFFIRM.

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<sup>1</sup> We recently rejected this idea. *United States v. Diaz*, 116 F.4th 458, 466–67 (5th Cir. 2024).