

# United States Court of Appeals for the Fifth Circuit

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No. 24-10090  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

September 27, 2024

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

RODERICK WAYNE BELL,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:23-CR-275-1

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Before ELROD, HAYNES, and DUNCAN, *Circuit Judges.*

PER CURIAM:\*

Roderick Wayne Bell appeals his conviction for possessing ammunition as a convicted felon in violation of 18 U.S.C. § 922(g)(1). For the first time on appeal, he contends that the statute violates the Second Amendment under *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022). As he concedes, this argument is foreclosed on plain error review by

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

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*United States v. Jones*, 88 F.4th 571, 573-74 (5th Cir. 2023), *cert. denied*, 144 S. Ct. 1081 (2024). He seeks to preserve it for further review.

The Government moves without opposition for summary affirmance. Because “the position of one of the parties is clearly right as a matter of law so that there can be no substantial question as to the outcome of the case,” summary affirmance is appropriate. *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). The Government’s motion is GRANTED, its alternative motion for an extension of time to file an appellate brief is DENIED, and the judgment of the district court is AFFIRMED.