

United States Court of Appeals for the Fifth Circuit

No. 24-10268
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 27, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ISAAC JOHN OLIVAS,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:23-CR-64-1

Before JOLLY, GRAVES, and OLDHAM, *Circuit Judges*.

PER CURIAM:*

Isaac John Olivas appeals his guilty plea conviction for possessing a firearm after a felony conviction, in violation of 18 U.S.C. § 922(g)(1). He argues that § 922(g)(1) exceeds Congress's authority under the Commerce Clause and that the statute is unconstitutional under the Second Amendment, both facially and as applied to him, in light of *New York State*

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

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Rifle & Pistol Ass’n, Inc. v. Bruen, 597 U.S. 1 (2022). The Government has filed an opposed motion for summary affirmance or, alternatively, for an extension of time to file a merits brief.

The Government is correct that Olivas’s arguments are foreclosed. *See United States v. Jones*, 88 F.4th 571, 573 (5th Cir. 2023) (Commerce Clause challenge), *cert. denied*, 144 S. Ct. 1081 (2024); *United States v. Diaz*, 116 F.4th 458, 467-72 (5th Cir. 2024) (Second Amendment challenges), *petition for cert. filed* (U.S. Feb. 18, 2025) (No. 24-6625). However, because Olivas opposes summary affirmance, it is not appropriate in this case. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). Nevertheless, because *Jones* and *Diaz* are clearly dispositive, we affirm the district court’s judgment without further briefing. *See United States v. Bailey*, 924 F.3d 1289, 1290 (5th Cir. 2019).

The motion for summary affirmance is DENIED, the alternative motion for an extension of time is DENIED, and the judgment of the district court is AFFIRMED.