

United States Court of Appeals for the Fifth Circuit

No. 24-10739
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 3, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ALEX ALVAREZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:24-CR-98-1

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

PER CURIAM:*

Alex Alvarez pleaded guilty to possessing a firearm as a convicted felon and was sentenced to 25 months of imprisonment with two years of supervised release. On appeal, he argues that his statute of conviction, 18 U.S.C. § 922(g)(1), violates the Second Amendment as applied to him in light of *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022), and

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

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United States v. Diaz, 116 F.4th 458 (5th Cir. 2024), *petition for cert. filed* (U.S. Feb. 24, 2025) (No. 24-6625).¹

His unpreserved as-applied challenge fails on plain error review because he has not shown that applying § 922(g)(1) based on his prior felonies amounts to clear or obvious error. *See United States v. Cisneros*, 130 F.4th 472, 476–77 (5th Cir. 2025).

AFFIRMED.

¹ Alvarez contends in the alternative that *Diaz* was wrongly decided and that § 922(g)(1) is facially unconstitutional. This argument is foreclosed. *See Diaz*, 116 F.4th at 471–72.