

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 13, 2025

Lyle W. Cayce
Clerk

No. 24-30257
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DEONTA DAMON WHEELER,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 2:23-CR-222-1

Before DENNIS, HO, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

Deonta Damon Wheeler pleaded guilty to possessing a firearm after a felony conviction in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). On appeal, he argues that § 922(g)(1) facially violates the Second Amendment in light of *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022). Wheeler concedes that, at the time of briefing, his sole issue on appeal was

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

pending before this court in *United States v. Diaz*, 116 F.4th 458 (5th Cir. 2024). *Diaz* later held that § 922(g)(1) is facially constitutional under *Bruen*. *Id.* at 471–72. As a result, Wheeler’s issue is foreclosed. See *Henderson v. United States*, 568 U.S. 266, 273 (2013). He now raises this issue to preserve it for further review. The Government has filed an unopposed motion for summary affirmance or, alternatively, for an extension of time to file a brief.

Because summary affirmance is appropriate, *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969), the Government’s motion for summary affirmance is GRANTED, the Government’s alternative motion for an extension of time to file a brief is DENIED AS MOOT, and the district court’s judgment is AFFIRMED.