

United States Court of Appeals for the Fifth Circuit

No. 24-30525
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 3, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DAJOHN M. HYMES,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:21-CR-304-1

Before JOLLY, JONES, and WILLETT, *Circuit Judges.*

PER CURIAM:*

Dajohn M. Hymes asserts that the statute under which he was convicted, 18 U.S.C. § 922(g)(1), is facially unconstitutional under the Second Amendment in view of *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022). The Government has filed an unopposed motion

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

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for summary affirmance, or alternatively, for an extension of time in which to file a brief.

The Government is correct that Hymes's challenge is foreclosed. *See United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024). Therefore, summary affirmance is appropriate. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). The motion for summary affirmance is GRANTED, the alternative motion for an extension of time is DENIED, and the judgment of the district court is AFFIRMED.