

United States Court of Appeals for the Fifth Circuit

No. 24-40629
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 27, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

SPENCER WAYNE BACON,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:23-CR-625-1

Before JONES, DENNIS, and SOUTHWICK, *Circuit Judges.*

PER CURIAM:*

Spencer Wayne Bacon appeals his 18 U.S.C. § 922(g)(1) conviction. He first argues that § 922(g)(1) is facially unconstitutional under the Second Amendment in light of *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022). But, as he concedes, that challenge is foreclosed by *United States v. Diaz*, 116 F.4th 458, 471–72 (5th Cir. 2024), *petition for cert. filed*,

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

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(U.S. Feb. 24, 2025) (No. 24-6625). Bacon further argues that § 922(g)(1) is unconstitutional as applied to him because the statute violates the Commerce Clause. He acknowledges our precedent forecloses that argument too. *See United States v. Jones*, 88 F.4th 571, 573 (5th Cir. 2023), *cert. denied*, 144 S. Ct. 1081 (2024).

AFFIRMED.