

United States Court of Appeals for the Fifth Circuit

No. 24-50199
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 28, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

TAYLOR DAN TRUEX,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:23-CR-172-1

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

PER CURIAM:*

Taylor Dan Truex pleaded guilty to possessing methamphetamine with intent to distribute, in violation of 21 U.S.C. § 841(a), and possessing a firearm as a felon, in violation of 18 U.S.C. § 922(g)(1). He challenges only his firearm conviction, arguing, as he did in the district court, that § 922(g)(1) is unconstitutional in multiple respects.

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

No. 24-50199

Truex's facial challenge to § 922(g)(1) under the Second Amendment is now foreclosed, as he concedes. *See United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024), *petition for cert. filed* (U.S. Feb. 18, 2025) (No. 24-6625). Because he was on supervised release when he violated § 922(g)(1), his as-applied challenge under the Second Amendment is similarly foreclosed. *See United States v. Giglio*, 126 F.4th 1039, 1045-46 (5th Cir. 2025). For the reasons articulated in *Giglio*, we do not read *Giglio* to be in conflict with *Diaz*. *See Giglio*, 126 F.4th at 1046. Finally, we agree that Truex's Commerce Clause challenge is also foreclosed. *See United States v. Perryman*, 965 F.3d 424, 426 (5th Cir. 2020); *United States v. Alcantar*, 733 F.3d 143, 145-46 (5th Cir. 2013).

AFFIRMED.