

United States Court of Appeals  
for the Fifth Circuit

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No. 24-50421  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

February 19, 2025

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

ALEJANDRO DE LA TORRE-BARRERA,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 5:23-CR-482-1

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

PER CURIAM:\*

Alejandro De La Torre-Barrera appeals his conviction under 18 U.S.C. § 922(g)(5) for possession of a firearm by an illegal alien. Circuit precedent forecloses his argument that § 922(g)(5) is facially unconstitutional under the Second Amendment following *New York State*

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

No. 24-50421

*Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022). See *United States v. Medina-Cantu*, 113 F.4th 537, 538-39, 542 (5th Cir. 2024).

Conceding that his argument is foreclosed, De La Torre-Barrera raises the issue to preserve it for further review. Because “there can be no substantial question as to the outcome of the case,” *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969), the Government’s unopposed motion for summary affirmance is GRANTED, and its alternative motion for an extension of time to file an appellate brief is DENIED. The judgment of the district court is AFFIRMED.