

United States Court of Appeals  
for the Fifth Circuit

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No. 23-10213

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United States Court of Appeals  
Fifth Circuit

**FILED**

April 3, 2024

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

DAVID JIMENEZ,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:22-CR-278-1

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Before RICHMAN, *Chief Judge*, and OLDHAM and RAMIREZ, *Circuit Judges*.

PER CURIAM:\*

David Jimenez pleaded guilty to being a felon in possession of a firearm under 18 U.S.C. § 922(g)(1). He now challenges—for the first time on appeal—that: (1) § 922(g)(1) violates the Second Amendment, in light of *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1, 17 (2022), and

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

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(2) § 922(g)(1) is unconstitutional because it exceeds Congress's authority under the Commerce Clause. We review both arguments for plain error.

Both arguments are foreclosed by our precedent. *See United States v. Jones*, 88 F.4th 571, 573–74 (5th Cir. 2023) (per curiam) (rejecting *Bruen* challenge to § 922(g)(1) on plain error); *id.* at 573 (rejecting Commerce Clause challenge to § 922(g)(1) on plain error).

AFFIRMED.