

United States Court of Appeals
for the Fifth Circuit

No. 23-10777
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

February 19, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CHRISTOPHER GLEN MASON,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:23-CR-36-1

Before KING, SOUTHWICK, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:*

Christopher Glen Mason pleaded guilty to possession of a firearm by a convicted felon in violation of 18 U.S.C. § 922(g)(1). On appeal, Mason raises constitutional challenges to his conviction. The Government has filed an unopposed motion for summary affirmance or, alternatively, for an extension of time in which to file a brief. Mason concedes that each of his

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

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arguments are foreclosed, but nonetheless raises the arguments to preserve them for further review.

Mason first argues that § 922(g)(1) is facially unconstitutional under the Second Amendment in light of *New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022). The parties are correct that this argument is foreclosed. *See United States v. Diaz*, 116 F.4th 458, 471–72 (5th Cir. 2024).

Mason also argues that the district court misinterpreted § 922(g)(1) because the statute requires more than mere past interstate travel at an indeterminate time. Alternatively, if this proposed interpretation is incorrect, Mason contends that § 922(g)(1) is unconstitutional because it exceeds Congress’s power under the Commerce Clause. The parties correctly conclude that both arguments are also foreclosed. *See United States v. Jones*, 88 F.4th 571, 573 (5th Cir. 2023).

Because summary affirmance is appropriate here, *see Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969), the Government’s motion for summary affirmance is GRANTED, the alternative motion for an extension of time to file a brief is DENIED, and the district court’s judgment is AFFIRMED.