

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 29, 2025

Lyle W. Cayce
Clerk

No. 23-10920
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JONATHAN R. HOWARD,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:23-CR-84-1

Before HIGGINBOTHAM, JONES, and OLDHAM, *Circuit Judges*.

PER CURIAM:*

Jonathan R. Howard argues that his statute of conviction, 18 U.S.C. § 922(g)(1), violates the Second Amendment on its face and as applied to him in light of *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022). He also contends that § 922(g)(1) violates the Commerce Clause, but he

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

No. 23-10920

correctly concedes his argument is foreclosed. *See United States v. Diaz*, 116 F.4th 458, 462 (5th Cir. 2024).

His facial Second Amendment challenge is also foreclosed. *See United States v. Contreras*, 125 F.4th 725, 729 (5th Cir. 2025). His unpreserved as-applied challenge fails on plain error review because he has not shown that applying § 922(g)(1) based on his prior drug-trafficking felonies amounts to clear or obvious error. *See United States v. Jones*, 88 F.4th 571, 573-74 (5th Cir. 2023), *cert. denied*, 144 S. Ct. 1081 (2024); *United States v. Cisneros*, 130 F.4th 472, 476-77 (5th Cir. 2025).

AFFIRMED.