

United States Court of Appeals for the Fifth Circuit

No. 23-11174
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 10, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

XAVIER ARMON PARKER,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:22-CR-489-1

Before SMITH, STEWART, and DUNCAN, *Circuit Judges*.

PER CURIAM:*

Xavier Armon Parker asserts that the statute under which he was convicted, 18 U.S.C. § 922(g)(1), is facially unconstitutional under the Second Amendment in light of *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022). The Government has filed an unopposed motion

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

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for summary affirmance or, alternatively, for an extension of time in which to file a brief.

The Government is correct that Parker's challenge is foreclosed. *See United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024). Therefore, summary affirmance is appropriate. *See Groendyke Transp. Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). The motion for summary affirmance is GRANTED, the alternative motion for an extension of time is DENIED, and the judgment of the district court is AFFIRMED.