

United States Court of Appeals for the Fifth Circuit

No. 23-30638
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 17, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ISMAEL MOISES HAYNES,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 3:23-CR-71-1

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

PER CURIAM:*

Ismael Moises Haynes pled guilty to being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). Before sentencing, he moved to withdraw his plea in light of *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1 (2022), which altered the Second Amendment landscape. The district court denied that motion, concluding that felons are not part of

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

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“the people” protected by the Second Amendment.¹ Haynes appealed, raising a facial challenge to Section 922(g)(1).

We recently addressed a facial challenge to Section 922(g)(1), holding that facial challenges to the provision fail because at least one application is constitutional. *United States v. Diaz*, 116 F.4th 458, 471–72 (5th Cir. 2024). As Haynes makes clear in his briefing, he raises only a facial challenge, not an as-applied challenge. Therefore, his sole issue on appeal is foreclosed. *See United States v. French*, 121 F.4th 538, 538 (5th Cir. 2024).

We remove this appeal from abeyance and AFFIRM.

¹ We recently rejected this idea. *United States v. Diaz*, 116 F.4th 458, 466–67 (5th Cir. 2024).