

United States Court of Appeals for the Fifth Circuit

No. 23-30899
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 2, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DAVID THOMPSON,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:22-CR-173-1

Before WIENER, HO, and RAMIREZ, *Circuit Judges.*

PER CURIAM:*

David Thompson 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).

Thompson’s facial Second Amendment challenge is foreclosed by *United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024), *petition for cert.*

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

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filed, (U.S. Feb. 18, 2025) (No. 24-6625). *See United States v. Contreras*, 125 F.4th 725, 729 (5th Cir. 2025). His as-applied challenge is also foreclosed by *Diaz*, as he has prior felony convictions for theft and burglary, a “theft-related” offense. *United States v. Schnur*, 132 F.4th 863, 871 (5th Cir. 2025); *see Diaz*, 116 F.4th at 468-70.

AFFIRMED.