

United States Court of Appeals
for the Fifth Circuit

No. 23-50601
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

February 19, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JACOB THOMAS MIRELES,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:22-CR-301-1

Before JOLLY, GRAVES, and OLDHAM, *Circuit Judges*.

PER CURIAM:*

Jacob Thomas Mireles pleaded guilty to possessing a firearm after a felony conviction, in violation of 18 U.S.C. § 922(g)(1). On appeal, he argues that, in light of *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022), § 922(g)(1) violates the Second Amendment on its face and as applied to him.

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

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Regarding Mireles's facial challenge, a panel of this court recently rejected another preserved Second Amendment challenge to § 922(g)(1), concluding that the statute is facially constitutional. *United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024). As a result, this argument is foreclosed. *See United States v. Medina-Cantu*, 113 F.4th 537, 539 (5th Cir. 2024).

Our decision in *Diaz* also resolves Mireles's argument that § 922(g)(1) is unconstitutional as applied to a felon like him with a vehicle theft conviction. *See Diaz*, 116 F.4th at 471.

AFFIRMED.