

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

June 25, 2024

Lyle W. Cayce
Clerk

No. 24-10060
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOSE ANTONIO CAMPOS-ESQUEDA,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:23-CR-267-1

Before JOLLY, HIGGINSON, and DUNCAN, *Circuit Judges*.

PER CURIAM:*

Jose Antonio Campos-Esqueda pleaded guilty to possession of a firearm after a felony conviction and was sentenced to 46 months of imprisonment. On appeal, he presents two unpreserved challenges to 18 U.S.C. § 922(g)(1). First, he argues that § 922(g)(1) is unconstitutional under the Second Amendment based on *New York State Rifle & Pistol Ass’n*,

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

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Inc. v. Bruen, 597 U.S. 1 (2022). Next, he asserts that the jurisdictional element of § 922(g)(1) requires more than past interstate travel at an indeterminate time; but if it does not, he maintains that the statute exceeds Congress’s authority under the Commerce Clause. The Government has filed an unopposed motion for summary affirmance or, in the alternative, for an extension of time to file its brief.

Campos-Esqueda correctly concedes that his arguments are foreclosed. *See United States v. Jones*, 88 F.4th 571, 573-74 (5th Cir. 2023), *cert. denied*, 144 S. Ct. 1081 (2024); *United States v. Perryman*, 965 F.3d 424, 426 (5th Cir. 2020). Therefore, summary disposition 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 district court’s judgment is AFFIRMED.