

United States Court of Appeals for the Fifth Circuit

No. 24-10090
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

September 27, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

RODERICK WAYNE BELL,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:23-CR-275-1

Before ELROD, HAYNES, and DUNCAN, *Circuit Judges*.

PER CURIAM:*

Roderick Wayne Bell appeals his conviction for possessing ammunition as a convicted felon in violation of 18 U.S.C. § 922(g)(1). For the first time on appeal, he contends that the statute violates the Second Amendment under *New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022). As he concedes, this argument is foreclosed on plain error review by

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

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United States v. Jones, 88 F.4th 571, 573-74 (5th Cir. 2023), *cert. denied*, 144 S. Ct. 1081 (2024). He seeks to preserve it for further review.

The Government moves without opposition for summary affirmance. Because “the position of one of the parties is clearly right as a matter of law so that there can be no substantial question as to the outcome of the case,” summary affirmance is appropriate. *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). The Government’s motion is GRANTED, its alternative motion for an extension of time to file an appellate brief is DENIED, and the judgment of the district court is AFFIRMED.