

United States Court of Appeals for the Fifth Circuit

No. 24-10167
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

February 26, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

WESLEY ERON SWICK,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 7:23-CR-21-1

Before DAVIS, STEWART, and SOUTHWICK, *Circuit Judges.*

PER CURIAM:*

Wesley Eron Swick asserts that his statute of conviction, 18 U.S.C. § 922(g)(1), is facially unconstitutional under the Second Amendment in light of *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022). The Government has filed an unopposed motion for summary affirmance or, alternatively, for an extension of time in which to file a brief.

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

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The Government is correct that Swick's challenge is foreclosed. *See United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024). Therefore, summary affirmance 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 judgment of the district court is AFFIRMED.