

United States Court of Appeals for the Fifth Circuit

No. 24-10178
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 25, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

SAMUEL YORK,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:22-CR-115-1

Before DAVIS, SMITH, and HIGGINSON, *Circuit Judges*.

PER CURIAM:*

Samuel York appeals his conviction under 18 U.S.C. § 922(g)(1). First, he argues that § 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). Second, he argues that § 922(g)(1) requires a closer connection to interstate commerce than the facts established in his case or,

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

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alternatively, exceeds Congress's authority under the Commerce Clause. The Government has filed an unopposed motion for summary affirmance or, alternatively, for an extension of time in which to file a brief.

The Government is correct that York's facial Second Amendment challenge is foreclosed, *see United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024), *petition for cert. filed* (U.S. Feb. 24, 2025) (24-6625), as are his Commerce Clause arguments, *see United States v. Jones*, 88 F.4th 571, 573 (5th Cir. 2023), *cert. denied*, 144 S. Ct. 1081 (2024). Because summary affirmance is appropriate, *see Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969), the Government's motion for summary affirmance is GRANTED, the alternative motion for an extension of time to file a brief is DENIED, and the district court's judgment is AFFIRMED.