

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

March 10, 2025

Lyle W. Cayce
Clerk

No. 24-10495
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOSHUA CALEB JOHNSON,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:23-CR-134-1

Before HAYNES, HIGGINSON, and DOUGLAS, *Circuit Judges*.

PER CURIAM:*

Joshua Caleb Johnson appeals his conviction under 18 U.S.C. § 922(g)(1), arguing that the statute 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), and exceeds Congress’s authority to regulate under the Commerce Clause. The Government has filed an unopposed motion for

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

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summary affirmance or, alternatively, for an extension of time in which to file a brief.

The Government is correct that Johnson's facial Second Amendment challenge is foreclosed, *see United States v. Diaz*, 116 F.4th 458, 471–72 (5th Cir. 2024), as is his Commerce Clause claim, *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 here, *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.