

United States Court of Appeals
for the Fifth Circuit

No. 24-30677

United States Court of Appeals
Fifth Circuit

FILED

September 3, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DONALD IRVING HILL, JR.,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:23-CR-172-1

Before SMITH, DENNIS, and RICHMAN, *Circuit Judges*.

PER CURIAM:*

Donald Hill was convicted of possessing a firearm as a felon in violation of 18 U.S.C. § 922(g)(1). Hill, who has several predicate drug-trafficking felony convictions, contends that disarmament under § 922(g)(1) violates the Second Amendment facially and as applied.¹

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

¹ Hill's felony convictions include distribution of cocaine, distribution of counterfeit controlled substances, possession with intent to distribute oxycodone, and two convictions of attempted distribution of cocaine.

No. 24-30677

Hill acknowledges—and we agree—that his facial challenge to § 922(g)(1) is foreclosed by *United States v. Diaz*, 116 F.4th 458, 471–72 (5th Cir. 2024), *cert. denied*, No. 24-6625, 2025 U.S. LEXIS 2453 (U.S. June 23, 2025) (mem.).

The parties dispute whether Hill preserved his as-applied challenge. But *United States v. Kimble*, 142 F.4th 308 (5th Cir. 2025), forecloses Hill’s claim even if *de novo* review applies. There we decided the “novel question” of “whether a predicate drug-trafficking felony . . . justifies permanent disarmament under (g)(1) even after the defendant has served his full sentence.” *Id.* at 312. We answered that question in the affirmative, so Hill’s as-applied claim is now squarely foreclosed: His “predicate convictions for drug trafficking convey that he belongs to a class of dangerous felons that our regulatory tradition permits legislatures to disarm.” *Id.* at 318.

AFFIRMED.