

United States Court of Appeals for the Fifth Circuit

No. 24-40389
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 24, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JACOB ALLEN JUDD,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:23-CR-549-1

Before WIENER, HO, and RAMIREZ, *Circuit Judges.*

PER CURIAM:*

Jacob Allen Judd pleaded guilty to possessing a firearm after a felony conviction, in violation of 18 U.S.C. § 922(g)(1). On appeal, he challenges the district court's denial of his motion to dismiss the indictment, arguing that, in light of *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1 (2022), § 922(g)(1) violates the Second Amendment as applied to him.

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

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Our decision in *Diaz* resolves Judd’s argument that § 922(g)(1) is unconstitutional as applied to a felon like him with a vehicle theft conviction. *See United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024), *petition for cert. filed* (U.S. Feb. 18, 2025) (No. 24-6625).¹

AFFIRMED.

¹ While Judd also contends that *Diaz* was wrongly decided and that § 922(g)(1) is facially unconstitutional, he correctly concedes that these arguments are foreclosed. *See United States v. Boche-Perez*, 755 F.3d 327, 344 (5th Cir. 2014) (rule of orderliness); *United States v. Contreras*, 125 F.4th 725, 729 (5th Cir. 2025) (recognizing that a facial challenge to § 922(g)(1) is foreclosed by *Diaz*).