

United States Court of Appeals
for the Fifth Circuit

No. 24-50196
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 23, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellant,

versus

EMMANUEL GONZALEZ MIRANDA,

Defendant—Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:23-CR-1925-1

Before SMITH, STEWART, and DUNCAN, *Circuit Judges*.

PER CURIAM:*

The government appeals the dismissal of Emmanuel Gonzalez Miranda's indictment. The district court concluded that the statute under which he was indicted, 18 U.S.C. § 922(g)(5)(A), is unconstitutional per *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022). The government also moves for summary disposition or, alternatively, for an extension of time to

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

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file its brief.

Because Gonzalez Miranda has not conceded that relief is foreclosed, we decline to effect summary disposition. *See United States v. Bailey*, 924 F.3d 1289, 1290 (5th Cir. 2019) (denying motion for summary affirmance but nonetheless affirming). Nonetheless, the government is correct that, under *United States v. Medina-Cantu*, 113 F.4th 537 (5th Cir. 2024), the dismissal was error.

Given the foregoing, the motion for summary disposition is DENIED. We dispense with further briefing, REVERSE the order of dismissal, and REMAND for further proceedings. The alternative motion for extension is DENIED as unnecessary.