

United States Court of Appeals for the Fifth Circuit

No. 24-50421
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

February 19, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ALEJANDRO DE LA TORRE-BARRERA,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:23-CR-482-1

Before JOLLY, GRAVES, and OLDHAM, *Circuit Judges*.

PER CURIAM:*

Alejandro De La Torre-Barrera appeals his conviction under 18 U.S.C. § 922(g)(5) for possession of a firearm by an illegal alien. Circuit precedent forecloses his argument that § 922(g)(5) is facially unconstitutional under the Second Amendment following *New York State*

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

No. 24-50421

Rifle & Pistol Ass’n v. Bruen, 597 U.S. 1 (2022). See *United States v. Medina-Cantu*, 113 F.4th 537, 538-39, 542 (5th Cir. 2024).

Conceding that his argument is foreclosed, De La Torre-Barrera raises the issue to preserve it for further review. Because “there can be no substantial question as to the outcome of the case,” *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969), the Government’s unopposed motion for summary affirmance is GRANTED, and its alternative motion for an extension of time to file an appellate brief is DENIED. The judgment of the district court is AFFIRMED.