

United States Court of Appeals for the Fifth Circuit

No. 24-50554
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 10, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JORGE ALEJANDRO BUENO GARCIA,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:22-CR-1659-1

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

PER CURIAM:*

Jorge Alejandro Bueno Garcia appeals his multiple convictions and sentences for the simultaneous possession of two firearms. He argues that the convictions violate the Double Jeopardy Clause because simultaneous possession of several firearms is a single offense under 18 U.S.C. § 922(g). The Government agrees. *See United States v. Berry*, 977 F.2d 915, 919 (5th

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

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Cir. 1992) (“The evil Congress sought to suppress by section 922 was the arming of felons; the section is based on the status of the offender and not the number of guns possessed.”). The fact that the district court ordered Bueno Garcia’s sentences to run concurrently does not change this result. *See id.* at 920.

Accordingly, we VACATE Bueno Garcia’s sentences and REMAND for dismissal of one of the § 922(g) convictions and for resentencing.