

# United States Court of Appeals for the Fifth Circuit

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No. 24-50774  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

June 17, 2025

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

FLORENTINO LONGORIA, II,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 5:22-CR-109-1

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Before DAVIS, SMITH, and HIGGINSON, *Circuit Judges*.

PER CURIAM:\*

Florentino Longoria, II, was sentenced to 46 months of imprisonment after pleading guilty to possessing a firearm after a felony conviction, in violation of 18 U.S.C. § 922(g)(1). On appeal, he renews his arguments that § 922(g)(1) is unconstitutional because it violates the Second Amendment on its face and as applied to him in light of *New York State Rifle & Pistol Ass’n*,

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

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*Inc. v. Bruen*, 597 U.S. 1 (2022), and because, as interpreted by this court, the statute exceeds Congress’s authority under the Commerce Clause. The Government has moved for summary affirmance or, in the alternative, an extension of time in which to file a brief. Longoria takes no position on the motion for summary affirmance but concedes his arguments are foreclosed by our precedent.

Longoria is correct that his arguments are foreclosed. *See United States v. Diaz*, 116 F.4th 458, 467-72 (5th Cir. 2024), *petition for cert. filed* (U.S. Feb. 18, 2025) (No. 24-6625); *United States v. Bullock*, 123 F.4th 183, 185 (5th Cir. 2024); *United States v. Alcantar*, 733 F.3d 143, 145-46 (5th Cir. 2013). Since “there can be no substantial question as to the outcome of the case,” summary affirmance is appropriate. *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).

Accordingly, the Government’s motion for summary affirmance is GRANTED, its alternative motion for an extension of time is DENIED, and the judgment of the district court is AFFIRMED.