

United States Court of Appeals for the Fifth Circuit

No. 24-60070
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 28, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellant,

versus

VINCENT EDWARD JONES,

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:23-CR-74-1

Before BARKSDALE, GRAVES, and DUNCAN, *Circuit Judges*.

PER CURIAM:*

The Government challenges the dismissal of Vincent Edward Jones' indictment under 18 U.S.C. § 922(g)(1). Jones was on supervised release for a previous § 922(g)(1) offense when indicted for the § 922(g)(1) offense at issue. In his motion to dismiss the indictment, he raised an as-applied

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

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challenge to the constitutionality of § 922(g)(1), citing *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022).

During the pendency of this appeal, our court rejected as-applied challenges to § 922(g)(1) where defendants were on supervised release at the time they violated § 922(g)(1). *See United States v. Giglio*, 126 F.4th 1039, 1043–44 (5th Cir. 2025); *United States v. Contreras*, 125 F.4th 725, 732–33 (5th Cir. 2025). Jones correctly concedes his as-applied-constitutional challenge is now foreclosed.

In the light of our court’s intervening precedent, we REVERSE and REMAND for consideration of Jones’ as-applied challenge, *e.g.*, *Utah v. Su*, 109 F.4th 313, 319–20 (5th Cir. 2024), and for such other proceedings as may be appropriate.