

United States Court of Appeals  
for the Fifth Circuit

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No. 24-60622  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

April 2, 2026

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

WILLIAM ROBERT SHEPHERD, III,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 3:23-CR-39-1

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Before KING, HAYNES, and HO, *Circuit Judges.*

PER CURIAM:\*

William Robert Shepherd III entered a conditional guilty plea to receipt or possession of an unregistered firearm, i.e., a short-barreled shotgun, pursuant to 26 U.S.C. §§ 5841, 5861(d), and 5871. He was sentenced to 24 months of imprisonment to be followed by three years of supervised release.

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

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Our precedents foreclose Shepherd's argument that § 5861(d) violates the Second Amendment as applied to his possession of a short-barreled shotgun. *See United States v. Hernandez*, 159 F.4th 425, 427-28 & n.1 (5th Cir. 2025). The failure of Shepherd's as-applied challenge to § 5861(d) is necessarily fatal to his facial challenge to that same statute. *See United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 2822 (2025).

AFFIRMED.