

United States Court of Appeals
for the Fifth Circuit

No. 25-30011
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 10, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

SHAWN M. ROBERTSON,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 3:24-CR-133-1

Before HAYNES, HIGGINSON, and DOUGLAS, *Circuit Judges.*

PER CURIAM:*

Shawn M. Robertson appeals following his conviction for possession of a firearm after having previously been convicted of a felony, in violation of 18 U.S.C. § 922(g)(1), arguing that § 922(g)(1) is unconstitutional on its face in light of the test set forth in *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*,

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

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597 U.S. 1 (2022). The Government has moved without opposition for summary affirmance or, alternatively, for an extension of time to file its brief.

As the Government asserts, the sole issue raised on appeal is foreclosed by *United States v. Diaz*, 116 F.4th 458, 467 (5th Cir. 2024), *petition for cert. filed* (U.S. Feb. 18, 2025) (No. 24-6625). Robertson concedes as much but wishes to preserve the issue for further review. Therefore, summary affirmance is appropriate. See *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). Accordingly, the motion for summary affirmance is GRANTED, the alternative motion for an extension of time is DENIED, and the judgment of the district court is AFFIRMED.