

United States Court of Appeals for the Fifth Circuit

No. 22-10129
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 3, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

KELVUN MONTRAIL WILLIAMS,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:20-CR-401-1

Before HIGGINBOTHAM, GRAVES, and HO, *Circuit Judges.*

PER CURIAM:*

Kelvun Montrail Williams appeals from his guilty plea conviction for receipt of a firearm while under indictment, in violation of 18 U.S.C. §§ 922(n) and 924(a)(1)(D). He argues that § 922(n) does not pass the historical test announced in *New York State Rifle & Pistol Ass'n v. Bruen*, 142 S. Ct. 2111 (2022), and is therefore unconstitutional.

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

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We review Williams’s challenge for plain error because he did not present it to the district court. *See Puckett v. United States*, 556 U.S. 129, 135 (2009); *United States v. Toure*, 965 F.3d 393, 399 (5th Cir. 2020). In an unpublished opinion, we have recently rejected the argument that § 922(n) is clearly or obviously unconstitutional under *Bruen*. *See United States v. Avila*, No. 22-50088, 2022 WL 17832287, at *2 (5th Cir. Dec. 21, 2022) (unpublished). The issue is therefore subject to reasonable dispute, and Williams cannot demonstrate a clear or obvious error. *See Puckett*, 556 U.S. at 135; *United States v. Guerrero-Robledo*, 565 F.3d 940, 946 (5th Cir. 2009); *United States v. Fields*, 777 F.3d 799, 802 (5th Cir. 2015) (“In considering whether an error is clear or obvious we look to the state of the law at the time of appeal.” (internal quotation marks and citation omitted)).

AFFIRMED.