

United States Court of Appeals
for the Fifth Circuit

No. 24-50360
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

February 2, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DERRICK KEON JONES,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:23-CR-211-1

Before STEWART, GRAVES, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

Derrick Keon Jones appeals his conviction for possession of a firearm after a felony conviction, in violation of 18 U.S.C. § 922(g)(1). He argues that § 922(g)(1) violates the Commerce Clause and the Second Amendment, both on its face and as applied to him, in light of the test set forth in *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1 (2022). Because he

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

No. 24-50360

properly preserved them, we review Jones's claims de novo. *See United States v. Diaz*, 116 F.4th 458, 462 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 2822 (2025). Jones asserts that § 922(g)(1) is unconstitutional as applied to him because disarming him based on his prior Texas conviction for possession with intent to deliver a controlled substance does not fit within the country's historical tradition of regulating firearms. This circuit has recently upheld the application of § 922(g)(1) to disarm a felon previously convicted of a drug trafficking offense. *United States v. Kimble*, 142 F.4th 308, 309-10, 317-18 (5th Cir. 2025), *petition for cert. filed* (U.S. Sept. 24, 2025) (No. 25-5747). *Kimble* controls this case, and Jones's claim fails.

As to his facial constitutional challenge to § 922(g)(1) under the Second Amendment and his argument that § 922(g)(1) violates the Commerce Clause, Jones correctly concedes that those arguments are foreclosed by our precedent. *See Diaz*, 116 F.4th at 462, 471-72; *United States v. Alcantar*, 733 F.3d 143, 145-46 (5th Cir. 2013).

Accordingly, the judgment of the district court is AFFIRMED.