

United States Court of Appeals for the Fifth Circuit

No. 24-50502
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 14, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ARNULFO MIRANDA,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:24-CR-5-1

Before JONES, DUNCAN, and DOUGLAS, *Circuit Judges*.

PER CURIAM:*

Arnulfo Miranda pleaded guilty to possession of a firearm after a felony conviction in violation of 18 U.S.C. § 922(g)(1). His predicate felony convictions included two Texas aggravated robbery convictions. *See* TEX. PENAL CODE § 29.03. On appeal, Miranda argues that § 922(g)(1) violates the Second Amendment, both facially and as applied to him, and that the

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

No. 24-50502

statute exceeds Congress's authority under the Commerce Clause. The Government has filed an opposed motion for summary affirmance or, alternatively, an extension of time to file a merits brief.

We conclude that Miranda's as-applied challenge to § 922(g)(1) is foreclosed. *See United States v. Schnur*, 132 F.4th 863, 870-71 (5th Cir. 2025). Further, as Miranda concedes, his facial constitutional challenge is foreclosed. *See United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024), *cert. denied*, 2025 WL 1727419 (U.S. June 23, 2025) (No. 24-6625). Finally, we conclude that his Commerce Clause challenge is foreclosed. *See United States v. Alcantar*, 733 F.3d 143, 145-46 (5th Cir. 2013); *United States v. Perryman*, 965 F.3d 424, 426 (5th Cir. 2020). Because his issues are clearly foreclosed, we affirm the district court's judgment without further briefing. *See United States v. Bailey*, 924 F.3d 1289, 1290 (5th Cir. 2019).

The motion for summary affirmance is DENIED, the alternative motion for an extension of time is DENIED, and the judgment of the district court is AFFIRMED.