

United States Court of Appeals for the Fifth Circuit

No. 24-50774
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 17, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

FLORENTINO LONGORIA, II,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:22-CR-109-1

Before DAVIS, SMITH, and HIGGINSON, *Circuit Judges.*

PER CURIAM:*

Florentino Longoria, II, was sentenced to 46 months of imprisonment after pleading guilty to possessing a firearm after a felony conviction, in violation of 18 U.S.C. § 922(g)(1). On appeal, he renews his arguments that § 922(g)(1) is unconstitutional because it violates the Second Amendment on its face and as applied to him in light of *New York State Rifle & Pistol Ass'n*,

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

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Inc. v. Bruen, 597 U.S. 1 (2022), and because, as interpreted by this court, the statute exceeds Congress’s authority under the Commerce Clause. The Government has moved for summary affirmance or, in the alternative, an extension of time in which to file a brief. Longoria takes no position on the motion for summary affirmance but concedes his arguments are foreclosed by our precedent.

Longoria is correct that his arguments are foreclosed. *See United States v. Diaz*, 116 F.4th 458, 467-72 (5th Cir. 2024), *petition for cert. filed* (U.S. Feb. 18, 2025) (No. 24-6625); *United States v. Bullock*, 123 F.4th 183, 185 (5th Cir. 2024); *United States v. Alcantar*, 733 F.3d 143, 145-46 (5th Cir. 2013). Since “there can be no substantial question as to the outcome of the case,” summary affirmance is appropriate. *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).

Accordingly, the Government’s motion for summary affirmance is GRANTED, its alternative motion for an extension of time is DENIED, and the judgment of the district court is AFFIRMED.