

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

June 10, 2025

Lyle W. Cayce
Clerk

No. 24-50910
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CRISTOBAL IBARRA,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:24-CR-27-1

Before WIENER, HO, and RAMIREZ, *Circuit Judges.*

PER CURIAM:*

Cristobal Ibarra appeals his guilty plea conviction for possessing a firearm as a felon, in violation of 18 U.S.C. § 922(g)(1). At the time he committed the § 922(g)(1) offense of which he was convicted, Ibarra had multiple prior felony convictions, including a 2014 Arizona conviction for aggravated assault and a 2018 conviction for misconduct involving weapons.

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

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Ibarra argues that § 922(g)(1) exceeds Congress’s authority under the Commerce Clause and violates the Second Amendment, both facially 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). The Government has filed an opposed motion for summary affirmance or, in the alternative, an extension of time to file a merits brief.

Summary affirmance is appropriate if “the position of one of the parties is clearly right as a matter of law so that there can be no substantial question as to the outcome of the case.” *United States v. Holy Land Found. For Relief & Dev.*, 445 F. 3d 771, 781 (5th Cir. 2006) (quoting *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969)). The Government is correct that Ibarra’s constitutional challenges are foreclosed. *See United States v. Diaz*, 116 F.4th 458, 471-72 (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. Traxler*, 764 F.3d 486, 489 (5th Cir. 2014); *United States v. Alcantar*, 733 F.3d 143, 145-46 (5th Cir. 2013); *see also United States v. Schnur*, 132 F.4th 863, 867-70 (5th Cir. 2025). Because *Diaz*, *Bullock*, *Traxler*, and *Alcantar* are clearly dispositive, 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 GRANTED, the alternative motion for an extension of time is DENIED as moot, and the judgment of the district court is AFFIRMED.