

United States Court of Appeals for the Fifth Circuit

No. 25-10722
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
February 18, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MYKELTI ANTWONE SIMMONS,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:24-CR-131-1

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

PER CURIAM:*

Mykelti Antwone Simmons appeals his conviction for possession of a firearm after a felony conviction, in violation of 18 U.S.C. § 922(g)(1). He contends that § 922(g)(1) is facially unconstitutional under the Second Amendment in light of *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1 (2022). Simmons concedes that his argument is foreclosed by *United*

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

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States v. Diaz, 116 F.4th 458 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 2822 (2025), but he seeks to preserve the issue for possible Supreme Court review. Citing *Diaz*, the Government moves unopposed for summary affirmance or, alternatively, for an extension of time in which to file a merits brief.

The parties are correct that Simmons's argument is clearly foreclosed. *See Diaz*, 116 F.4th at 471-72; *United States v. Contreras*, 125 F.4th 725, 729 (5th Cir. 2025); *see generally Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). Accordingly, the Government's motion for summary affirmance is GRANTED, the alternative motion for an extension of time is DENIED, and the judgment is AFFIRMED.