

United States Court of Appeals for the Fifth Circuit

No. 25-10901
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 10, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CHADIN DERRON KELLY,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:25-CR-69-1

Before KING, HAYNES, and HO, *Circuit Judges.*

PER CURIAM:*

Chadin Derron Kelly pleaded guilty to possessing a firearm after a felony conviction, in violation of 18 U.S.C. § 922(g)(1). He was sentenced to an above-guidelines sentence of 121 months of imprisonment. On appeal, Kelly argues that the district court erred in applying an enhanced base offense

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

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level under U.S.S.G. § 2K2.1(a)(4)(A) and raises several concededly foreclosed constitutional challenges to his conviction.

First, even if we assume that the district court erred in its calculation of the guidelines range, we are persuaded by the Government's showing that the error was harmless on this record, which includes the district court's reasons for the sentence and its consideration of the statutory maximum, as well as its written statement of reasons. *See United States v. Redmond*, 965 F.3d 416, 420-21 (5th Cir. 2020); *United States v. Ibarra-Luna*, 628 F.3d 712, 714 (5th Cir. 2010).

Second, Kelly contends that § 922(g)(1) as currently interpreted violates the Commerce Clause and the Second Amendment. As he correctly concedes, his arguments are foreclosed. *See United States v. Rawls*, 85 F.3d 240, 242 (5th Cir. 1996); *United States v. Alcantar*, 733 F.3d 143, 145-46 (5th Cir. 2013); *United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 2822 (2025).

Accordingly, the district court's judgment is AFFIRMED.