

United States Court of Appeals for the Fifth Circuit

No. 25-10943
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 5, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MALLORY TAYLOR,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:23-CR-203-1

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

PER CURIAM:*

Mallory Taylor appeals his guilty plea conviction and sentence for possession of a firearm by a convicted felon. For the first time on appeal, Taylor challenges the district court's application of the two-level enhancement under U.S.S.G. § 2K2.1(b)(1)(A), asserting that the evidence did not establish that he possessed at least three firearms.

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

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The evidence supports a plausible inference that Taylor was in constructive possession of at least two firearms, in addition to the one he admitted to possessing. *See United States v. Meza*, 701 F.3d 411, 419 (5th Cir. 2012). Accordingly, Taylor has not shown that the district court committed a clear or obvious error in applying the enhancement. *See Puckett v. United States*, 556 U.S. 129, 135 (2009).

Additionally, Taylor asserts that 18 U.S.C. § 922(g)(1) violates the Second Amendment on its face and that it also exceeds Congress's authority under the Commerce Clause. However, he concedes that these issues are foreclosed. *See United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 2822 (2025); *United States v. Alcantar*, 733 F.3d 143, 145 (5th Cir. 2013).

AFFIRMED.