

# United States Court of Appeals for the Fifth Circuit

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No. 25-11261  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

July 2, 2026

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

MONTIQUE OSHAY HALL,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:25-CR-145-1

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

PER CURIAM:\*

Montique Oshay Hall appeals his conviction under 18 U.S.C. § 922(g)(1) for possession of a firearm by a felon. In his sole issue on appeal, he argues that § 922(g)(1) facially violates the Second Amendment. He concedes that the argument is foreclosed, but he seeks to preserve it for further review. The Government has filed an unopposed motion for

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

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summary affirmance and, alternatively, for an extension of time to file an appellate brief.

The parties are correct that Hall's facial constitutional challenge is foreclosed. *See United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 2822 (2025). Summary affirmance is appropriate. *See 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.