

United States Court of Appeals for the Fifth Circuit

No. 25-11306
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 23, 2026

Thomas B. Plunkett, III
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CURTIS MOORE, JR.,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:25-CR-32-1

Before STEWART, RICHMAN, and HIGGINSON, *Circuit Judges*.

PER CURIAM:*

Curtis Moore, Jr., pleaded guilty to possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g)(1), and the district court sentenced him within the guidelines range to 66 months of imprisonment. On appeal, he challenges his conviction and his sentence.

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

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For the first time on appeal, Moore argues that his conviction under § 922(g)(1) violates the Second Amendment on its face in light of *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022), and that the statute exceeds Congress’s power under the Commerce Clause. Both arguments are foreclosed. *See United States v. Contreras*, 125 F.4th 725, 729 (5th Cir. 2025); *United States v. Alcantar*, 733 F.3d 143, 145-46 (5th Cir. 2013).

Regarding his sentence, Moore challenges the district court’s application of an enhanced base offense level under U.S.S.G. § 2K2.1(a)(3), arguing that his prior Texas robbery offense does not qualify as a crime of violence. Specifically, Moore contends that the mens rea for Texas robbery is broader than the mens rea for robbery under the Sentencing Guidelines. We review this issue for plain error. *See Puckett v. United States*, 556 U.S. 129, 135 (2009); *United States v. Vasquez*, 899 F.3d 363, 372 (5th Cir. 2018). His argument is unavailing in light of our decision in *United States v. Williams*, 184 F.4th 757, 762-63 (5th Cir. 2026), in which this court held that § 4B1.2(e)(3), which defines a crime of violence for the purposes of § 2K2.1(a)(3), lacks a scienter requirement based on its plain language. “[T]he Guidelines ‘drafters have been explicit when they wished to import a mens rea requirement.’” *Id.* at 762 (quoting *United States v. Serfass*, 684 F.3d 548, 551 (5th Cir. 2012)). Without such a requirement, the Texas statute is a categorical match for Guidelines robbery. Accordingly, the district court did not plainly err. *See Puckett*, 556 U.S. at 135.

AFFIRMED.