

# United States Court of Appeals for the Fifth Circuit

---

No. 25-30011  
Summary Calendar

---

United States Court of Appeals  
Fifth Circuit

**FILED**

June 10, 2025

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

SHAWN M. ROBERTSON,

*Defendant—Appellant.*

---

Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 3:24-CR-133-1

---

Before HAYNES, HIGGINSON, and DOUGLAS, *Circuit Judges.*

PER CURIAM:\*

Shawn M. Robertson appeals following his conviction for possession of a firearm after having previously been convicted of a felony, in violation of 18 U.S.C. § 922(g)(1), arguing that § 922(g)(1) is unconstitutional on its face in light of the test set forth in *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*,

---

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

No. 25-30011

597 U.S. 1 (2022). The Government has moved without opposition for summary affirmance or, alternatively, for an extension of time to file its brief.

As the Government asserts, the sole issue raised on appeal is foreclosed by *United States v. Diaz*, 116 F.4th 458, 467 (5th Cir. 2024), *petition for cert. filed* (U.S. Feb. 18, 2025) (No. 24-6625). Robertson concedes as much but wishes to preserve the issue for further review. Therefore, summary affirmance is appropriate. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). Accordingly, the motion for summary affirmance is GRANTED, the alternative motion for an extension of time is DENIED, and the judgment of the district court is AFFIRMED.