

United States Court of Appeals for the Fifth Circuit

No. 25-30079
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 2, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

LATERRENCE THOMAS,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:24-CR-28-1

Before DAVIS, STEWART, and SOUTHWICK, *Circuit Judges*.

PER CURIAM:*

Laterrence Thomas appeals following his conviction for possession of a firearm after having previously been convicted of felony, in violation of 18 U.S.C. § 922(g)(1), and possession of a firearm during a drug trafficking offense, in violation of 18 U.S.C. § 924(c)(1)(a). He argues that § 922(g)(1) is unconstitutional on its face in light of *New York State Rifle & Pistol Ass’n*,

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

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Inc. v. Bruen, 597 U.S. 1 (2022). Thomas concedes that the argument is foreclosed by *United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024), *cert. denied*, 2025 WL 1727419 (U.S. June 23, 2025) (No.24-6625), but he wishes to preserve it for further review. The Government has moved without opposition for summary affirmance or, alternatively, for an extension of time to file its brief.

As the Government asserts and Thomas concedes, the sole issue raised on appeal is foreclosed by *Diaz*. *See id.*; *see also United States v. Contreras*, 125 F.4th 725, 729 (5th Cir. 2025). 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.