

United States Court of Appeals for the Fifth Circuit

No. 25-30165
CONSOLIDATED WITH
No. 25-30167
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

September 12, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CORTEZ D. PORTER,

Defendant—Appellant.

Appeals from the United States District Court
for the Western District of Louisiana
USDC No. 5:23-CR-238-1

Before ELROD, *Chief Judge*, and HIGGINSON and RAMIREZ, *Circuit Judges*.

PER CURIAM:*

Cortez D. Porter pleaded guilty to possession of a firearm after a felony conviction, in violation of 18 U.S.C. § 922(g)(1). On appeal, he argues that the statute of conviction violates the Second Amendment on its face in

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

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light of the test set forth in *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022). He concedes that the argument is foreclosed by our decision in *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 seeks to preserve the claim for further review. The Government has moved without opposition for summary affirmance or, alternatively, for an extension of time to file its brief.

As both parties acknowledge, the sole issue raised on appeal is foreclosed by *Diaz*, 116 F.4th at 471–42. *See also United States v. Contreras*, 125 F.4th 725, 729 (5th Cir. 2025). Summary affirmance is thus 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.