

United States Court of Appeals for the Fifth Circuit

No. 25-50108
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

September 19, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

BUDDY FLOYD GARMON,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:24-CR-162-1

Before RICHMAN, SOUTHWICK, and WILLETT, *Circuit Judges*.

PER CURIAM:*

Buddy Floyd Garmon pleaded guilty to possession of a firearm after a felony conviction, in violation of 18 U.S.C. § 922(g)(1). His predicate felonies include unauthorized use of a motor vehicle, robbery, aiding and abetting the distribution of a controlled substance (cocaine) within 1000 feet of a school, and aggravated assault with a deadly weapon. He argues that the

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

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statute of conviction violates the Commerce Clause and the Second Amendment, both on its face and as applied to him, in light of the test set forth in *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022). The Government moves for summary affirmance or, in the alternative, an extension of time to file a brief.

Garmon correctly concedes that each argument is foreclosed. *See United States v. Schnur*, 132 F.4th 863, 870-71 (5th Cir. 2025); *United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 2822 (2025); *United States v. Alcantar*, 733 F.3d 143, 145-46 (5th Cir. 2013). He raises these issues to preserve them for further review. Because summary affirmance is appropriate, *see Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969), the Government’s motion for summary affirmance is GRANTED, the Government’s alternative motion for an extension of time to file a brief is DENIED, and the district court’s judgment is AFFIRMED.