

United States Court of Appeals for the Fifth Circuit

No. 25-50109
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 11, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JESUS AARON RAMIREZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:24-CR-155-1

Before HIGGINBOTHAM, ENGELHARDT, and RAMIREZ, *Circuit Judges.*

PER CURIAM:*

Jesus Aaron Ramirez pleaded guilty to possession of a firearm after a felony conviction in violation of 18 U.S.C. § 922(g)(1). The district court sentenced Ramirez, within the recommended guidelines range, to 57 months of imprisonment, and imposed a three-year term of supervised release.

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

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Ramirez argues that § 922(g)(1) is unconstitutional as applied in light of *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022). Ramirez concedes that review is for plain error. See *United States v. Cisneros*, 130 F.4th 472, 476 (5th Cir. 2025). Because Ramirez does not cite any binding authority holding that his prior felony—delivery of a controlled substance in violation of Texas law—is not a viable § 922(g)(1) predicate in the wake of *Bruen*, he cannot show that any error in denying his motion to dismiss was clear or obvious. See *United States v. Gonzalez*, 792 F.3d 534, 538 (5th Cir. 2015); *United States v. Ceron*, 775 F.3d 222, 226 (5th Cir. 2014); *United States v. Kimble*, 142 F.4th 308, 309 (5th Cir. 2025), *petition for cert. filed* (U.S. Sept. 24, 2025) (No. 25-5747).

He also argues the reasons for his sentence were not explained adequately, and that the sentence is substantively unreasonable. See *United States v. Nguyen*, 854 F.3d 276, 280 (5th Cir. 2017); *Gall v. United States*, 552 U.S. 38, 50-51 (2007). A sentence imposed within a properly calculated guidelines range is presumptively reasonable. *United States v. Alonzo*, 435 F.3d 551, 554 (5th Cir. 2006). The district court explicitly considered the sentencing factors set forth in 18 U.S.C. § 3553(a), the mitigating factors presented at sentencing, and the nature and circumstances of the offense that created a dangerous risk to the community. Ramirez has not shown that the district court’s explanation of the sentence was inadequate, see *Rita v. United States*, 551 U.S. 338, 356 (2007), nor has he rebutted the presumption of reasonableness that attached to his within-guidelines sentence, see *United States v. Douglas*, 957 F.3d 602, 609 (5th Cir. 2020).

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For the first time in his reply brief, Ramirez makes the argument that consideration of high-capacity magazines to determine a sentence does not comport with *Bruen*. However, we do not consider claims “raised for the first time in a reply brief.” *Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993).

AFFIRMED.