

United States Court of Appeals for the Fifth Circuit

No. 25-50316
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 7, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ROBERT LAWRENCE JEFFERY,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:21-CR-437-1

Before WIENER, WILLETT, and WILSON, *Circuit Judges.*

PER CURIAM:*

Defendant-Appellant Robert Lawrence Jeffery appeals his conviction for possession of a firearm by a felon, in violation of 18 U.S.C. § 922(g)(1). Citing *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1 (2022), Jeffery contends that § 922(g)(1) violates the Second Amendment, both on its face and as applied to him. The Government moves for summary

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

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affirmance or, alternatively, for an extension of time to file an appellate brief. Jeffery takes no position on the motion but concedes that his arguments are foreclosed.

As Jeffery acknowledges, his facial Second Amendment challenge is foreclosed by *United States v. Diaz*, 116 F.4th 458, 471–72 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 2822 (2025). Furthermore, because Jeffery’s criminal history includes a prior conviction that involved physical violence, his as-applied challenge is foreclosed by *United States v. Simpson*, 152 F.4th 611, 614 (5th Cir. 2025), and *United States v. Bullock*, 123 F.4th 183, 184–85 (5th Cir. 2024) (per curiam), *cert. denied*, 2025 WL 2824426 (U.S. Oct. 6, 2025) (No. 25-5208).

Because “there can be no substantial question as to the outcome of the case,” summary disposition is appropriate. *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 district court’s judgment is AFFIRMED.