

United States Court of Appeals
for the Fifth Circuit

No. 25-50396
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
December 15, 2025
Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ASHLEY MOORE,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:24-CR-218-2

Before KING, HAYNES, and HO, *Circuit Judges*.

PER CURIAM:*

Ashley Moore appeals her conviction for possession of a firearm after a felony conviction, in violation of 18 U.S.C. § 922(g)(1). She argues, as she did in the district court, that § 922(g)(1) violates the Second Amendment facially and as applied to her and that it also exceeds Congress's authority under the Commerce Clause. The Government has filed an unopposed

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

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motion for summary affirmance or, in the alternative, for an extension of time to file an appellate brief. Moore concedes that her arguments are foreclosed.

We have held that § 922(g)(1) does not violate the Second Amendment on its face. *See United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 2822 (2025). Also, Moore's as-applied challenge fails because individuals who commit this offense while on supervised release may be disarmed. *See United States v. Giglio*, 126 F.4th 1039, 1044 (5th Cir. 2025). Additionally, her Commerce Clause challenge is foreclosed by *United States v. Alcantar*, 733 F.3d 143, 145-46 (5th Cir. 2013).

Accordingly, the Government's motion for summary affirmance is GRANTED. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). Its alternative motion for an extension of time to file its appellate brief and view and obtain sealed documents is DENIED as moot. The judgment of the district court is AFFIRMED.