

United States Court of Appeals
for the Fifth Circuit

No. 25-50731
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

February 27, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

GUADALUPE MORENO,

Defendant—Appellant,

CONSOLIDATED WITH

No. 25-50733

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

GUADALUPE MORENO, III,

Defendant—Appellant,

Appeals from the United States District Court
for the Western District of Texas

USDC Nos. 7:20-CR-190-2, 7:25-CR-52-1

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

PER CURIAM: *

In this consolidated appeal, Guadalupe Moreno challenges his 18 U.S.C. § 922(g)(1) conviction and the revocation of his supervised release, asserting that the statute of his conviction violates the Second Amendment pursuant to the holding in *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022). Additionally, he argues that the statute exceeds Congress’s authority under the Commerce Clause. The Government has filed a motion for summary affirmance, or alternatively, for an extension of time in which to file a brief. Moreno takes no position on the motion for summary affirmance but concedes that his arguments are foreclosed. He has abandoned any argument concerning the revocation of his supervised release by failing to raise it on appeal. *See United States v. Reagan*, 596 F.3d 251, 254 (5th Cir. 2010).

The parties are correct that Moreno’s facial and as-applied Second Amendment challenges are foreclosed, as is his Commerce Clause challenge. *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. Jones*, 88 F.4th 571, 573 (5th Cir. 2023). Therefore, summary affirmance is appropriate. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). The motion for summary affirmance is GRANTED, the alternative motion for an extension of time is DENIED, and the judgment of conviction and the order of revocation are AFFIRMED.

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