

# United States Court of Appeals for the Fifth Circuit

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No. 25-50739  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

February 16, 2026

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

KERY NEVIL HERNANDEZ-RAMIREZ,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 5:24-CR-152-1

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

PER CURIAM:\*

Kery Nevil Hernandez-Ramirez appeals his conviction under 18 U.S.C. § 922(g)(5) for possession of a firearm by an illegal alien, renewing his argument that § 922(g)(5) violates the Second Amendment as applied in his case.

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

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The Government moves for summary affirmance, citing *United States v. Medina-Cantu*, 113 F.4th 537, 542 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 1318 (2025), which upheld the constitutionality of § 922(g)(5) under the Second Amendment. Hernandez-Ramirez takes no position on the motion for summary affirmance, but he correctly concedes that *Medina-Cantu* forecloses his challenge.

Because “there can be no substantial question as to the outcome of the case,” *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969), the Government’s motion for summary affirmance is GRANTED, and its alternative motion for an extension of time to file an appellate brief is DENIED. The judgment of the district court is AFFIRMED.