

United States Court of Appeals for the Fifth Circuit

No. 25-50952
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
September 14, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOSE GOMEZ QUIROZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 4:22-CR-104-1

Before SMITH, STEWART, and SOUTHWICK, *Circuit Judges*.

PER CURIAM:*

Jose Gomez Quiroz appeals his convictions and sentences for making a false statement while buying a firearm and receiving a firearm while under indictment for a felony. His Second Amendment challenges are barred by the mandate rule, which forecloses relitigation of the issues decided during his initial appeal. *See United States v. Lee*, 358 F.3d 315, 321 (5th Cir. 2004); *United States v. Quiroz*, 125 F.4th 713, 715, 725 (5th Cir.), *cert. denied*, 146 S.

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

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Ct. 146 (2025). Accordingly, the Government's motion for summary affirmance of the convictions is GRANTED. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).

The Government further moves to vacate the financial-disclosure and credit-approval conditions of supervised release imposed by the district court on remand. The Government correctly concedes that the conditions are plainly erroneous under 18 U.S.C. § 3583(d). *See United States v. Mendoza*, 170 F.4th 921, 926-27 & n.2 (5th Cir. 2026). The unopposed motion to vacate is GRANTED, and the sentence is VACATED in part and REMANDED for the district court to amend its written judgment to strike the two conditions.

In all other respects, the judgment of the district court is AFFIRMED. The Government's alternative motion for an extension of time to file the appellee's brief is DENIED.