

United States Court of Appeals for the Fifth Circuit

No. 25-60555
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 6, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JESSE RAY McCUIN,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 1:24-CR-38-1

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

PER CURIAM:*

Jesse McCuin appeals his conviction of possession of a firearm by a felon in violation of 18 U.S.C. § 922(g)(1). He maintains that § 922(g)(1) violates the Second Amendment, both on its face and as applied to him, in light of *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022). He also contends that § 922(g)(1) is an unconstitutional extension of Congress’s authority under the Commerce Clause and that there is an insufficient

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

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federal nexus between firearm possession and commerce.

Because McCuin properly preserved his constitutional challenges, we review them *de novo*. See *United States v. Diaz*, 116 F.4th 458, 462 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 2822 (2025). McCuin correctly concedes that all of his challenges are foreclosed by our precedent. See *United States v. Schnur*, 132 F.4th 863, 870–71 (5th Cir. 2025); *Diaz*, 116 F.4th at 471–72; *United States v. Alcantar*, 733 F.3d 143, 145 (5th Cir. 2013).

The judgment is AFFIRMED.