

# United States Court of Appeals for the Fifth Circuit

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No. 25-60634  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

April 23, 2026

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

GEORGE DENNIS MOORE, III,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 3:23-CR-75-1

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

PER CURIAM:\*

George Dennis Moore, III, appeals his 18 U.S.C. § 922(g)(1) conviction for possessing a firearm after a felony conviction. He argues that § 922(g)(1) violates the Second Amendment on its face and as applied to him, violates equal protection guarantees of the Fifth Amendment, and exceeds Congress's Commerce Clause authority. He acknowledges that these

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

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arguments are foreclosed and seeks to preserve them for further review. The Government has filed an unopposed motion for summary affirmance.

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). Moore's as-applied challenge is foreclosed because he was on probation at the time he committed the instant offense. *See United States v. Clark*, 148 F.4th 785, 789-90 (5th Cir. 2025); *United States v. Giglio*, 126 F.4th 1039, 1044 (5th Cir. 2025). His equal protection and Commerce Clause challenges are also foreclosed. *See United States v. Goody*, 143 F.4th 617, 619 (5th Cir. 2025); *United States v. Alcantar*, 733 F.3d 143, 145-46 (5th Cir. 2013).

Because the parties correctly conclude that these issues are foreclosed, the Government's motion for summary affirmance is GRANTED. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). The judgment of the district court is AFFIRMED.