

United States Court of Appeals for the Fifth Circuit

No. 26-10076
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 23, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

T.J. AGUILAR,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:25-CR-81-1

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

PER CURIAM:*

T.J. Aguilar appeals his conviction and sentence for receipt of a firearm by a person under felony indictment in violation of 18 U.S.C. § 922(n). The Government moves for summary affirmance or, alternatively, an extension of time to file a brief.

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

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First, Aguilar argues that § 922(n) is unconstitutional under the Second Amendment in the light of *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022), but that argument is foreclosed. *See United States v. Quiroz*, 125 F.4th 713, 716-20, 723-25 (5th Cir.), *cert. denied*, 146 S. Ct. 146 (2025). Second, he contends that § 922(n) exceeds Congress’s power under the Commerce Clause, but that argument is unavailing under plain error review. *See United States v. Jones*, 88 F.4th 571, 572 (5th Cir. 2023); *United States v. Alcantar*, 733 F.3d 143, 145 (5th Cir. 2013). Finally, Aguilar asserts the district court erred in applying an enhanced offense level under U.S.S.G. § 2K2.1(a)(4) based on the commentary’s definition of “large capacity magazine,” but that argument is foreclosed. *See United States v. Martin*, 119 F.4th 410 (5th Cir. 2024).

The Government’s motion for summary affirmance is GRANTED and its motion for extension of time to file brief is DENIED AS MOOT. The judgment of the district court is AFFIRMED.