

United States Court of Appeals for the Fifth Circuit

No. 26-60096
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

September 18, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ALFORN NAPOLEON LEE,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 5:24-CR-8-1

Before JONES, HO, and WILSON, *Circuit Judges*.

PER CURIAM:*

Alforn Napoleon Lee was convicted of possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g)(1), and he was sentenced to 29 months of imprisonment, three years of supervised release, and a \$1,500 fine. On appeal, he argues that § 922(g)(1) is unconstitutional on its face and as applied to him under *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022). He also argues that the statute requires more than

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

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a firearm's past movement in interstate commerce to satisfy the "in or affecting commerce" element or otherwise exceeds Congress's authority under the Commerce Clause. Lee concedes, however, that each of these arguments is foreclosed. The Government has filed an unopposed motion for summary affirmance.

The parties are correct that Lee's facial challenge to § 922(g)(1) is foreclosed. *See United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 2822 (2025). His as-applied challenge is likewise foreclosed. *See United States v. Kimble*, 142 F.4th 308, 311 (5th Cir. 2025), *cert. denied*, No. 25-5747, 2026 WL 135675 (U.S. Jan. 20, 2026); *United States v. Schnur*, 132 F.4th 863, 869-71 (5th Cir. 2025); *United States v. Giglio*, 126 F.4th 1039, 1044-45 (5th Cir. 2025). Finally, his arguments concerning the Commerce Clause and the statute's commerce element are foreclosed as well. *See United States v. Alcantar*, 733 F.3d 143, 145-46 (5th Cir. 2013); *United States v. Rawls*, 85 F.3d 240, 242 (5th Cir. 1996). Summary affirmance is therefore appropriate. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).

Accordingly, the Government's motion for summary affirmance is GRANTED, and the district court's judgment is AFFIRMED.