

United States Court of Appeals
for the Fifth Circuit

No. 23-10213

United States Court of Appeals
Fifth Circuit

FILED

April 3, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DAVID JIMENEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:22-CR-278-1

Before RICHMAN, *Chief Judge*, and OLDHAM and RAMIREZ, *Circuit Judges*.

PER CURIAM:*

David Jimenez pleaded guilty to being a felon in possession of a firearm under 18 U.S.C. § 922(g)(1). He now challenges—for the first time on appeal—that: (1) § 922(g)(1) violates the Second Amendment, in light of *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1, 17 (2022), and

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

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(2) § 922(g)(1) is unconstitutional because it exceeds Congress's authority under the Commerce Clause. We review both arguments for plain error.

Both arguments are foreclosed by our precedent. *See United States v. Jones*, 88 F.4th 571, 573–74 (5th Cir. 2023) (per curiam) (rejecting *Bruen* challenge to § 922(g)(1) on plain error); *id.* at 573 (rejecting Commerce Clause challenge to § 922(g)(1) on plain error).

AFFIRMED.