

United States Court of Appeals for the Fifth Circuit

No. 24-10661
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 17, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

TYLER LOGAN KERR,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:24-CR-61-1

Before KING, SOUTHWICK, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:*

Tyler Logan Kerr was convicted of possessing unregistered firearms. For the first time on appeal, Kerr contends that the district court erred in imposing a two-level enhancement based upon a determination that the offense involved at least three but less than eight firearms. Specifically, he

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

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contends that the district court erroneously included two silencers in that count.

Because Kerr failed to preserve this issue in the district court, our review is for plain error. *See United States v. Burney*, 992 F.3d 398, 400 (5th Cir. 2021). To prevail on plain error review, Kerr must identify: (1) a forfeited error (2) that is clear or obvious, rather than subject to reasonable dispute, and (3) that affects his substantial rights. *See Puckett v. United States*, 556 U.S. 129, 135 (2009). If he satisfies all three requirements, this court has the discretion to correct the error if it “seriously affects the fairness, integrity or public reputation of judicial proceedings.” *Id.* (internal quotation marks, citation, and brackets omitted).

Kerr fails to show that the district court clearly or obviously erred by counting a silencer as a “firearm” for purposes of U.S.S.G. § 2K2.1(b)(1)(A). *See* U.S.S.G. 2K2.1 cmt. n.1 (citing 18 U.S.C. 921(a)(3)). Accordingly, the judgment of the district court is AFFIRMED.