

United States Court of Appeals for the Fifth Circuit

No. 24-30675
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 12, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

AVONTAE GUIDEN,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:23-CR-258-1

Before JOLLY, JONES, and WILLETT, *Circuit Judges*.

PER CURIAM:*

Avontae Guiden pleaded guilty to possession of a firearm after felony conviction. He was sentenced to 68 months of imprisonment and three years of supervised release. He renews his arguments that 18 U.S.C. § 922(g)(1) violates the Second Amendment on its face and as applied to him in light of the test set forth in *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S.

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

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1 (2022). The Government has filed an opposed motion for summary affirmance or, alternatively, for an extension of time to file its brief.

The Government is correct that Guiden's arguments are foreclosed. *See United States v. Diaz*, 116 F.4th 458 (5th Cir. 2024), *petition for cert. filed*, (U.S. Feb. 18, 2025) (No. 24-6625), *United States v. Giglio*, 126 F.4th 1039 (5th Cir. 2025). However, because an issue is contested, summary affirmance is not appropriate. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). Regardless, because *Diaz* and *Giglio* are clearly dispositive, we affirm the district court's judgment without further briefing. *See United States v. Bailey*, 924 F.3d 1289, 1290 (5th Cir. 2019).

The motion for summary affirmance is DENIED, the alternative motion for an extension of time is DENIED, and the judgment of the district court is AFFIRMED.