

United States Court of Appeals for the Fifth Circuit

No. 24-60622
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 2, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

WILLIAM ROBERT SHEPHERD, III,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:23-CR-39-1

Before KING, HAYNES, and HO, *Circuit Judges.*

PER CURIAM:*

William Robert Shepherd III entered a conditional guilty plea to receipt or possession of an unregistered firearm, i.e., a short-barreled shotgun, pursuant to 26 U.S.C. §§ 5841, 5861(d), and 5871. He was sentenced to 24 months of imprisonment to be followed by three years of supervised release.

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

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Our precedents foreclose Shepherd's argument that § 5861(d) violates the Second Amendment as applied to his possession of a short-barreled shotgun. *See United States v. Hernandez*, 159 F.4th 425, 427-28 & n.1 (5th Cir. 2025). The failure of Shepherd's as-applied challenge to § 5861(d) is necessarily fatal to his facial challenge to that same statute. *See United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 2822 (2025).

AFFIRMED.