

United States Court of Appeals for the Fifth Circuit

No. 25-10990
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 16, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DESMONTE DWAYNE LEONARD,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:25-CR-96-1

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

PER CURIAM:*

Desmonte Dwayne Leonard appeals his conviction for possession of a firearm after a felony conviction, in violation of 18 U.S.C. § 922(g)(1). In his sole issue on appeal, he argues that § 922(g)(1) facially violates the Second Amendment. He concedes that the argument is foreclosed, but he seeks to preserve it for further review. The Government has filed an unopposed

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

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motion for summary affirmance, or in the alternative, for an extension of time to file an appellate brief.

The parties are correct that Leonard's facial constitutional challenge is foreclosed. *See United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 2822 (2025). Therefore, summary affirmance is appropriate. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). The motion for summary affirmance is GRANTED, the alternative motion for an extension of time is DENIED AS MOOT, and the judgment of the district court is AFFIRMED.