

United States Court of Appeals for the Fifth Circuit

No. 25-60634
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 23, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

GEORGE DENNIS MOORE, III,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:23-CR-75-1

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

PER CURIAM:*

George Dennis Moore, III, appeals his 18 U.S.C. § 922(g)(1) conviction for possessing a firearm after a felony conviction. He argues that § 922(g)(1) violates the Second Amendment on its face and as applied to him, violates equal protection guarantees of the Fifth Amendment, and exceeds Congress's Commerce Clause authority. He acknowledges that these

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

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arguments are foreclosed and seeks to preserve them for further review. The Government has filed an unopposed motion for summary affirmance.

We have held that § 922(g)(1) does not violate the Second Amendment on its face. *See United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 2822 (2025). Moore's as-applied challenge is foreclosed because he was on probation at the time he committed the instant offense. *See United States v. Clark*, 148 F.4th 785, 789-90 (5th Cir. 2025); *United States v. Giglio*, 126 F.4th 1039, 1044 (5th Cir. 2025). His equal protection and Commerce Clause challenges are also foreclosed. *See United States v. Goody*, 143 F.4th 617, 619 (5th Cir. 2025); *United States v. Alcantar*, 733 F.3d 143, 145-46 (5th Cir. 2013).

Because the parties correctly conclude that these issues are foreclosed, the Government's motion for summary affirmance is GRANTED. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). The judgment of the district court is AFFIRMED.