

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 20, 2026

Lyle W. Cayce
Clerk

No. 26-60033
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOSHUA RYAN BURNS,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:25-CR-53-1

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

PER CURIAM:*

Joshua Ryan Burns appeals his conviction for possession of a firearm by a convicted felon in violation of 18 U.S.C. § 922(g)(1). On appeal, he argues § 922(g)(1) violates the Second Amendment under the test set forth in *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022), both facially and as applied to him. He also argues that § 922(g)(1) is

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

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unconstitutional under the Commerce Clause. However, he concedes that his claims are foreclosed, and the Government has filed an unopposed motion for summary affirmance.

The parties are correct that all of Burns's claims are foreclosed. *See United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024) (rejecting facial challenge), *cert. denied*, 145 S. Ct. 2822 (2025); *United States v. Schnur*, 132 F.4th 863, 866-70 (5th Cir. 2025) (rejecting as-applied challenge); *United States v. Alcantar*, 733 F.3d 143, 145 (5th Cir. 2013) (rejecting argument that § 922(g)(1) exceeds Congress's power under the Commerce Clause). Summary affirmance is thus warranted. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).

Accordingly, the Government's motion for summary affirmance is GRANTED, and the district court's judgment is AFFIRMED.