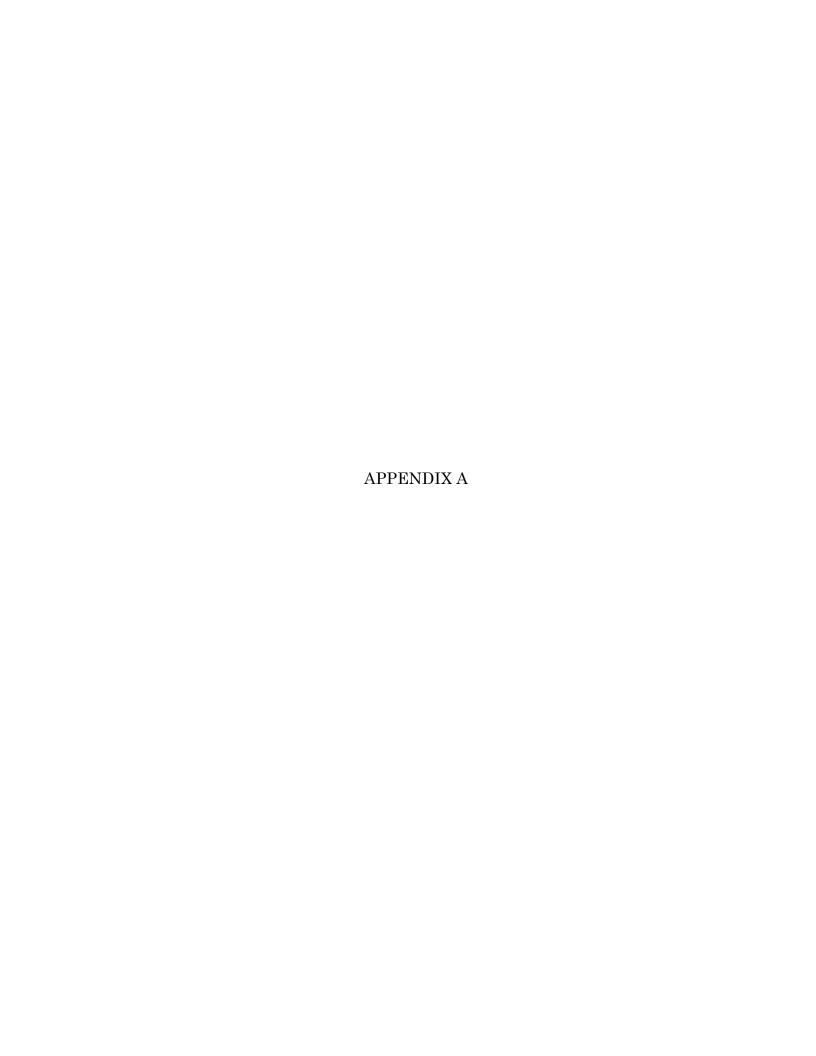
## TABLE OF APPENDIX

APPENDIX A	1a–2a
United States v. Hernar	adez,
Nos. 24-50363 & 24-503	80

(5th Cir. April 21, 2025) (per curiam) (unpublished)



## United States Court of Appeals for the Fifth Circuit

No. 24-50363 Summary Calendar United States Court of Appeals Fifth Circuit

**FILED** 

April 21, 2025

Lyle W. Cayce Clerk

United States of America,

Plaintiff—Appellee,

versus

Jose Antonio Hernandez,

Defendant—Appellant,

CONSOLIDATED WITH

No. 24-50380

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

Jose Hernandez,

Defendant-Appellant.

> No. 24-50363 c/w No. 24-50380

Appeals from the United States District Court for the Western District of Texas USDC Nos. 7:23-CR-210-1, 7:20-CR-309-1

\_\_\_\_\_

Before Higginbotham, Jones, and Oldham, *Circuit Judges*.

Per Curiam:\*

Jose Antonio Hernandez argues that his statute of conviction, 18 U.S.C. § 922(g)(1), violates the Second Amendment on its face and as applied to him in light of *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1 (2022). In addition, he contends that § 922(g)(1) violates the Commerce Clause. He has abandoned, by failing to brief, any argument regarding the consolidated appeal from his supervised release revocation proceeding. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993).

Hernandez correctly concedes that his facial Second Amendment challenge is foreclosed. See United States v. Contreras, 125 F.4th 725, 729 (5th Cir. 2025). Also, because Hernandez was serving a term of supervised release when he violated § 922(g)(1), the statute does not violate the Second Amendment as applied to him. See United States v. Giglio, 126 F.4th 1039, 1043-46 (5th Cir. 2025). Finally, as Hernandez correctly acknowledges, his Commerce Clause challenge is foreclosed. See United States v. Diaz, 116 F.4th 458, 462 (5th Cir. 2024).

AFFIRMED.

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