

TABLE OF APPENDIX

APPENDIX AA1-2

United States v. Bermea,
No. 25-50046,
(5th Cir. Oct. 23, 2025) (unpublished opinion)

APPENDIX A

United States Court of Appeals
for the Fifth Circuit

No. 25-50046
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 23, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

NATHAN BERMEA,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:24-CR-134-1

Before RICHMAN, SOUTHWICK, and WILLETT, *Circuit Judges.*

PER CURIAM:*

Nathan Bermea pled guilty to possession of a firearm after a felony conviction in violation of 18 U.S.C. § 922(g)(1). Bermea had previously been convicted of possession of a controlled substance. On appeal, he argues that § 922(g)(1) violates the Second Amendment, both facially and as applied to him, and that the statute exceeds Congress's authority under the Commerce

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

No. 25-50046

Clause. The Government has filed an opposed motion for summary affirmance and, in the alternative, a motion for extension of time to file a brief.

As Bermea concedes, his facial constitutional challenge to § 922(g)(1) and Commerce Clause challenges are foreclosed. *See United States v. Diaz*, 116 F.4th 458, 462, 467-72 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 2822 (2025); *United States v. Alcantar*, 733 F.3d 143, 145-46 (5th Cir. 2013). Because Bermea’s unpreserved as-applied argument would require extending existing precedent, he fails to show that § 922(g)(1) clearly or obviously violates the Second Amendment as applied to him. *See United States v. Jones*, 88 F.4th 571, 573-74 (5th Cir. 2023), *cert. denied*, 144 S. Ct. 1081 (2024).

As Bermea opposes the Government’s motion for summary affirmance, we decline to grant it. *See United States v. Houston*, 625 F.3d 871, 873 n.2 (5th Cir. 2010); *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). Nevertheless, given the foregoing, we affirm the district court’s judgment without further briefing. *See United States v. Bailey*, 924 F.3d 1289, 1290 (5th Cir. 2019).

The motion for summary affirmance is DENIED, the Government’s alternative motion for an extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.