APPENDIX

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APPENDIX A

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.

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.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

April 23, 2026

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

Regarding: Fifth Circuit Statement on Petitions for Rehearing or Rehearing En Banc

No. 25-60634 USA v. Moore
USDC No. 3:23-CR-75-1

Enclosed is a copy of the court's decision. The court has entered judgment under Fed. R. App. P. 36. (However, the opinion may yet contain typographical or printing errors which are subject to correction.)

Fed. R. App. P. 39 through 41, and Fed. R. App. P. 39, 40, and 41 govern costs, rehearings, and mandates. **Fed. R. App. P. 40 require you to attach to your petition for panel rehearing or rehearing en banc an unmarked copy of the court's opinion or order.** Please read carefully the Internal Operating Procedures (IOP's) following Fed. R. App. P. 40 for a discussion of when a rehearing may be appropriate, the legal standards applied and sanctions which may be imposed if you make a nonmeritorious petition for rehearing en banc.

Direct Criminal Appeals. Fed. R. App. P. 41 provides that a motion for a stay of mandate under Fed. R. App. P. 41 will not be granted simply upon request. The petition must set forth good cause for a stay or clearly demonstrate that a substantial question will be presented to the Supreme Court. Otherwise, this court may deny the motion and issue the mandate immediately.

Pro Se Cases. If you were unsuccessful in the district court and/or on appeal, and are considering filing a petition for certiorari in the United States Supreme Court, you do not need to file a motion for stay of mandate under Fed. R. App. P. 41. The issuance of the mandate does not affect the time, or your right, to file with the Supreme Court.

Court Appointed Counsel. Court appointed counsel is responsible for filing petition(s) for rehearing(s) (panel and/or en banc) and writ(s) of certiorari to the U.S. Supreme Court, unless relieved of your obligation by court order. If it is your intention to file a motion to withdraw as counsel, you should notify your client promptly, **and advise them of the time limits for filing for rehearing and certiorari**. Additionally, you MUST confirm that this information was given to your client, within the body of your motion to withdraw as counsel.

Sincerely,

LYLE W. CAYCE, Clerk

Rebecca L. Leto

By: ______________________
Rebecca L. Leto, Deputy Clerk
504-310-7703

Enclosure(s)

Mr. Matthew Wade Allen
Ms. Jennifer Case
Ms. Alexandra Rosenblatt
Mr. Michael L. Scott
Mr. Thomas Creagher Turner Jr.

APPENDIX B

AO 245B(Rev. 09/19) Judgment in a Criminal Case

LJ/ml

UNITED STATES DISTRICT COURT

Southern District of Mississippi

UNITED STATES OF AMERICA
v.
GEORGE DENNIS MOORE III

JUDGMENT IN A CRIMINAL CASE

Case Number: 3:23CR75HTW-ASH-001

USM Number: 78225-510

Michael L. Scott
Defendant's Attorney

THE DEFENDANT:

☑ pleaded guilty to count(s) 1 of the single-count Indictment

☐ pleaded nolo contendere to count(s) _____ which was accepted by the court.

☐ was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 922(g)(1) and 924(a)(8)	Felon in Possession of a Firearm	12/24/2022	1

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

October 30, 2025
Date of Imposition of Judgment

Henry T. Wingate
Signature of Judge

The Honorable Henry T. Wingate U.S. District Judge
Name and Title of Judge

07 November 2025
Date

DEFENDANT: GEORGE DENNIS MOORE III
CASE NUMBER: 3:23CR75HTW-ASH-001

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

30 months

☑ The court makes the following recommendations to the Bureau of Prisons:

The defendant receive credit for time served and be designated to FCC Yazoo City, Mississippi, or nearest facility to facilitate family visitation, as deemed eligible.

☑ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at ______________ ☐ a.m. ☐ p.m. on ______________ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ by 12 p.m. on ______________ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on ______________ to ______________

at ______________ , with a certified copy of this judgment.

____
UNITED STATES MARSHAL

By ______________
DEPUTY UNITED STATES MARSHAL

DEFENDANT: GEORGE DENNIS MOORE III
CASE NUMBER: 3:23CR75HTW-ASH-001

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

3 years

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
   ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☑ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: GEORGE DENNIS MOORE III
CASE NUMBER: 3:23CR75HTW-ASH-001

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature ______________________________ Date ________________

DEFENDANT: GEORGE DENNIS MOORE III
CASE NUMBER: 3:23CR75HTW-ASH-001

SPECIAL CONDITIONS OF SUPERVISION

1. You shall pay the fine imposed and inform the Court of any changes in your economic circumstances which may impact your payment of the fine.

2. You shall not incur new credit charges or open additional lines of credit without the approval of the probation officer unless in compliance with the installment payment schedule.

3. You shall provide the probation office with access to any requested financial information.

4. You shall submit your person, property, house, residence, vehicle, papers, electronic communication devices, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. You shall warn any other occupants that the premises may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when reasonable suspicion exists that you have violated a condition of your supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

5. You must submit to substance abuse testing to determine if you have used a prohibited substance. You must not attempt to obstruct or tamper with the testing methods.

6. You shall not possess, ingest, or otherwise use a synthetic cannabinoid, or other synthetic narcotics, unless prescribed by a licensed medical professional for legitimate medical purposes.

7. In the event that you reside in or visit a jurisdiction where marijuana or marijuana products have been approved, legalized, or decriminalized, you shall not possess, ingest or otherwise use marijuana products.

DEFENDANT: GEORGE DENNIS MOORE III
CASE NUMBER: 3:23CR75HTW-ASH-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	Assessment	Restitution	Fine	AVAA Assessment*	JVTA Assessment**
TOTALS	$ 100.00	$	$ 1,500.00	$	$

☐ The determination of restitution is deferred until ____________. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss***	Restitution Ordered	Priority or Percentage
TOTALS	$ 0.00	$ 0.00	

☐ Restitution amount ordered pursuant to plea agreement $ ____________________

☐ The defendant must pay interest on restitution and a fine of more than $2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.
** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.
*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: GEORGE DENNIS MOORE III
CASE NUMBER: 3:23CR75HTW-ASH-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

A ☐ Lump sum payment of $ ______________ due immediately, balance due

☐ not later than ____________________, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or

B ☑ Payment to begin immediately (may be combined with ☐ C, ☑ D, or ☑ F below); or

C ☐ Payment in equal __________ *(e.g., weekly, monthly, quarterly)* installments of $ ________ over a period of __________ *(e.g., months or years)*, to commence __________ *(e.g., 30 or 60 days)* after the date of this judgment; or

D ☑ Payment in equal monthly *(e.g., weekly, monthly, quarterly)* installments of $ 50.00 over a period of XXXX *(e.g., months or years)*, to commence 60 days *(e.g., 30 or 60 days)* after release from imprisonment to a term of supervision; or

E ☐ Payment during the term of supervised release will commence within __________ *(e.g., 30 or 60 days)* after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F ☑ Special instructions regarding the payment of criminal monetary penalties:
In the event the fine is not paid in full prior to the termination of supervised release, you are ordered to enter into a written agreement with the Financial Litigation Program of the U.S. Attorney's Office for payment of the remaining balance. Additionally, the value of future discovered assets may be applied to offset the balance of criminal monetary penalties. You may be included in the Treasury Offset Program allowing qualified federal benefits to be applied to offset the balance of criminal monetary penalties.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Case Number Defendant and Co-Defendant Names *(including defendant number)*	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

APPENDIX C

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA **PLAINTIFF**

V. **CRIMINAL CAUSE NO. 3:23-CR-75-HTW-ASH-1**

GEORGE DENNIS MOORE, III **DEFENDANT**

ORDER DENYING MOTION TO DISMISS INDICTMENT

BEFORE THIS COURT is a Motion to Dismiss Indictment [33] filed by Defendant George Moore, III. On September 6, 2024, Moore was indicted by a federal grand jury in the Northern Division of the Southern District of Mississippi for knowingly possessing a firearm in violation of Title 18, United States Code, Sections 922(g)(1) [1] and 924(a)(8)[2] [Docket No. 1]. Moore, by and through his counsel, moved to dismiss the Indictment against him claiming that § 922(g)(1) as applied to him violates the Second Amendment. Moore argues further that the Second Amendment protects his right to carry a firearm and that under it he is a protected person despite his felon status. This Court has considered the pleadings, the record in the underlying criminal case, as well as supporting authorities, and finds the Petitioner's motions must be denied for the reasons stated *infra*.

---

[1] "It shall be unlawful for any person – who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year; to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce." 18 U.S.C. § 922(g)(1).

[2] "Whoever knowingly violates subsection (d) or (g) of section 922 shall be fined under this title, imprisoned for not more than 15 years, or both.

(b) Whoever, with intent to commit therewith an offense punishable by imprisonment for a term exceeding one year, or with knowledge or reasonable cause to believe that an offense punishable by imprisonment for a term exceeding one year is to be committed therewith, ships, transports, or receives a firearm or any ammunition in interstate or foreign commerce shall be fined under this title, or imprisoned not more than ten years, or both." 18 U.S.C. § 924(a)(8).

I. ANALYSIS

According to 18 U.S.C. § 922(g)(1) it is unlawful for a person to possess a firearm if they have been convicted in any court of a crime punishable by imprisonment for a term exceeding one year. The Second Amendment guarantees that "the right of the people to keep and bear Arms […] shall not be infringed." U.S. Const. amend. II. That right, however, "is not unlimited." *U.S. v. Schnur*, 132 F.4th 863, 867 (5th Cir. 2025) (citing *District of Columbia v. Heller*, 554 U.S. 579, 626 (2008)). The United States Supreme Court announced a two-step framework in *New York State Rifle Pistol Ass'n Inc. v. Bruen*, 597 U.S. 1 (2022), for analyzing whether certain firearm regulations are consistent with the Second Amendment. "First, the Second Amendment's plain text must cover the defendant's conduct, in which case the Constitution presumptively protects that conduct" *New York State Rifle Pistol Ass'n Inc. v. Bruen*, 597 U.S. 1, 42 (2022). Second, if the defendant's actions are covered, "[t]he government must then justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation." *Id*. Under *Bruen*, this Court must analyze both "how and why the regulations burden a law-abiding citizen's right to armed self-defense." *Bruen*, 597 U.S. 1, 29.

In the instant case the government must demonstrate that § 922(g)(1) is consistent with this Nation's historical tradition of firearm regulation. In assessing Moore's criminal history under § 922(g)(1), this Court "may consider prior convictions that are 'punishable by imprisonment for a term exceeding one year.'" *Schnur*, 123 F.4th at 867; (quoting *U.S. v. Diaz*, 116 F.4th 458, 467 (5th Cir. 2025)). Moore's pertinent criminal history includes 2015 Mississippi state-court conviction for "possession of [a] stolen firearm," and "possession of [a] controlled substance" [Docket No. 34-1]. As to the first inquiry, this Court agrees with Moore that he is one of "the people" protected by the Second Amendment. The burden thus rests with the government to demonstrate that the Nation has a longstanding tradition of disarming someone with a criminal history analogous to his.

A. Supervision

The Government points this Courts attention to *United States v. Giglio*, 126 F.4th 1039 (5th Cir. 2025), where the United States Court of Appeals for the Fifth Circuit held § 922(g)(1) as applied to the defendant was constitutional since "disarmament was a typical condition of all manner of sentences." In *Giglio*, the defendant was convicted of possessing a firearm while being an unlawful user of a controlled substance; while on supervised release Giglio went hunting with an AM-15 rifle and was later indicted for unlawfully possessing a firearm under § 922(g)(1).

The *Giglio* court looked to founding-era forfeiture laws which *temporarily* disarmed citizens who had committed a wide range of crimes. The court noted several states has laws which permitted the dispossessing of firearms as a component of said defendant's sentence. The Fifth Circuit found there was a "historical practice of disarming a convict during his sentence" which justified the modern-day practice of disarming individuals who are "serving their sentences on supervised release." *United States v. Giglio*, 126 F.4th 1039, 1044 (5th Cir. 2025) (citing *United States v. Moore*, 111 F.4th 266, 268 (3rd Cir. 2024)). The *Giglio* court thus, agreed that historical traditions "make clear that disarmament was a typical condition of all manner of sentences, wherein [c]onvicts could be required to forfeit their weapons and were prevented from reacquiring arms until they had finished serving their sentences." *Id.*; *Moore*, 111 F.4th at 271.

In this instance, Moore was on post-release supervision serving his State Court sentence under the supervision of the Mississippi Department of Corrections, ("MDOC") when he was charged with the alleged violations contained in the Indictment. This Court under a *Giglio* analysis finds that since "supervised release, 'constitutes a part of the final sentence for [a] crime,'" and Moore was in fact on post supervision release under MDOC supervision when he was alleged to be in possession of a firearm, that § 922(g) as applied to him is constitutional. *Giglio*, 126 F.4th at 1043. Based on these things, this Court finds that it need not address Moore's predicate underlying conviction.

B. Commerce Clause

This Court rejects Moore's claims under the Commerce Clause because Fifth Circuit precedent squarely forecloses them.

II. CONCLUSION

It is, therefore, the Order of this Court that Moore's *Motion to Dismiss Indictment* [33] is hereby **DENIED.**

SO ORDERED this the 7th, day of May 2025.

/s/HENRY T. WINGATE____________________
UNITED STATES DISTRICT COURT JUDGE