

PETITION APPENDIX

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APPENDIX A

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-11593
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PEDRO ANTUNEZ-GALARZA,

a.k.a. Tony Garcia,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:24-cr-00397-RAL-SPF-1

Before ROSENBAUM, BRANCH, and GRANT, Circuit Judges.

PER CURIAM:

Pedro Antunez-Galarza appeals his conviction, following entry of a guilty plea, for possession of a firearm by a convicted

felon in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(8).¹ He argues for the first time on appeal that § 922(g)(1) violates the Commerce Clause² and is therefore unconstitutional both facially and as applied.³ He acknowledges, however, that his Commerce Clause challenges are squarely foreclosed by our binding precedent, and he seeks only to preserve the arguments for further review. Because his claims are foreclosed by precedent, we affirm.

We have repeatedly upheld § 922(g)(1) against facial and as-applied challenges based on the Commerce Clause. *See, e.g., United States v. Edwards*, 142 F.4th 1270, 1285 (11th Cir. 2025) (explaining that we have repeatedly upheld § 922(g)(1) against facial and as-applied challenges under the Commerce Clause and collecting cases), *cert. denied*, 2025 WL 3507078 (U.S. Dec. 8, 2025);

¹ Antunez-Galarza also pleaded guilty to (1) illegal reentry after deportation, in violation of 8 U.S.C. §§ 1326(a) and (b)(2); (2) possession of a false permanent resident card, in violation of 18 U.S.C. § 1546(a); and (3) possession of a false social security card, in violation of 18 U.S.C. § 1546(a). However, he does not challenge those convictions on appeal.

² The Commerce Clause provides that “Congress shall have Power . . . [t]o regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; . . .” U.S. Const. art. I, § 8, cl. 3.

³ Because Antunez-Galarza raises this constitutional challenge for the first time on appeal, we review only for plain error. *United States v. Wright*, 607 F.3d 708, 715 (11th Cir. 2010). To prevail on plain error review, he must show “(1) an error (2) that is plain and (3) that has affected [his] substantial rights.” *United States v. Madden*, 733 F.3d 1314, 1320 (11th Cir. 2013). If these prongs are met, “then [we] may exercise [our] discretion to correct the error if (4) the error seriously affect[ed] the fairness, integrity or public reputation of judicial proceedings.” *Id.* (quotations omitted).

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Opinion of the Court

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United States v. Scott, 263 F.3d 1270, 1274 (11th Cir. 2001) (same). We are bound by those decisions. *See United States v. White*, 837 F.3d 1225, 1229 (11th Cir. 2016) (“[W]e are bound to follow a prior binding precedent unless and until it is overruled by this court en banc or by the Supreme Court.” (quotations omitted)). Accordingly, Antunez-Galarza cannot show plain error, and we affirm.

AFFIRMED.

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

March 03, 2026

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 25-11593-CC
Case Style: USA v. Pedro Antunez-Galarza
District Court Docket No: 8:24-cr-00397-RAL-SPF-1

Opinion Issued

Enclosed is a copy of the Court's decision issued today in this case. Judgment has been entered today pursuant to FRAP 36. The Court's mandate will issue at a later date pursuant to FRAP 41(b).

Petitions for Rehearing

The time for filing a petition for panel rehearing or rehearing en banc is governed by 11th Cir. R. 40-2. Please see FRAP 40 and the accompanying circuit rules for information concerning petitions for rehearing.

Costs

No costs are taxed.

Bill of Costs

If costs are taxed, please use the most recent version of the Bill of Costs form available on the Court's website at www.ca11.uscourts.gov. For more information regarding costs, see FRAP 39 and 11th Cir. R. 39-1.

Attorney's Fees

The time to file and required documentation for an application for attorney's fees and any objection to the application are governed by 11th Cir. R. 39-2 and 39-3.

Appointed Counsel

Counsel appointed under the Criminal Justice Act (CJA) must submit a voucher claiming compensation via the eVoucher system no later than 45 days after issuance of the mandate or the filing of a petition for writ of certiorari. Please contact the CJA Team at (404) 335-6167 or cja_evoucher@ca11.uscourts.gov for questions regarding CJA vouchers or the eVoucher system.

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

OPIN-1 Ntc of Issuance of Opinion

APPENDIX B

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

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Atlanta, Georgia 30303

David J. Smith
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April 27, 2026

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 25-11593-CC
Case Style: USA v. Pedro Antunez-Galarza
District Court Docket No: 8:24-cr-00397-RAL-SPF-1

The enclosed order has been entered on petition(s) for rehearing.

See Rule 41, Federal Rules of Appellate Procedure, and Eleventh Circuit Rule 41-1 for information regarding issuance and stay of mandate.

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REHG-1 Ltr Order Petition Rehearing

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For the Eleventh Circuit

No. 25-11593

UNITED STATES OF AMERICA,

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PEDRO ANTUNEZ-GALARZA,

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Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:24-cr-00397-RAL-SPF-1

ON PETITION FOR REHEARING AND PETITION FOR
REHEARING EN BANC

Before ROSENBAUM, BRANCH, and GRANT, Circuit Judges.

PER CURIAM:

The Petition for Rehearing En Banc is DENIED, no judge in regular active service on the Court having requested that the Court be polled on rehearing en banc. FRAP 40. The Petition for Rehearing En Banc is also treated as a Petition for Rehearing before the panel and is DENIED. FRAP 40, 11th Cir. IOP 2.