

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

MICHAEL CELESTINE,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

On Petition for Writ of Certiorari
to the United States Court of Appeals for the Fifth Circuit

APPENDIX

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United States Court of Appeals for the Fifth Circuit

No. 25-30506
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 14, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MICHAEL CELESTINE,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:24-CR-92-1

JUDGMENT

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

This cause was considered on the record on appeal and the briefs on file.

IT IS ORDERED and ADJUDGED that the judgment of the District Court is AFFIRMED.

The judgment or mandate of this court shall issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion

for stay of mandate, whichever is later. See FED. R. APP. P. 41(B). The court may shorten or extend the time by order. See 5TH CIR. R. 41 I.O.P.

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Appeal from the United States District Court
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USDC No. 2:24-CR-92-1

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

PER CURIAM:*

Michael Celestine appeals his conviction for possessing a firearm as a convicted felon in violation of 18 U.S.C. § 922(g)(1). He contends that the statute violates the Second Amendment on its face and as applied to him, that recent interpretations of it in the Second Amendment context have rendered it unconstitutionally vague, and that it exceeds Congress's authority under

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

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the Commerce Clause. He is correct that these arguments are foreclosed. *See United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 2822 (2025); *United States v. Schnur*, 132 F.4th 863, 870-71 (5th Cir. 2025); *United States v. Landrum*, 168 F.4th 771, 772-75 (5th Cir. 2026); *United States v. Alcantar*, 733 F.3d 143, 145-46 (5th Cir. 2013).

Additionally, Celestine asks us to vacate his conviction because the case-by-case application of § 922(g)(1) in the Second Amendment context violates separation of powers principles. We have not previously addressed this issue, however, and find no clear or obvious error as is necessary to establish plain error. *See United States v. Evans*, 587 F.3d 667, 671 (5th Cir. 2009); *Puckett v. United States*, 556 U.S. 129, 135 (2009).

AFFIRMED.