

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

February 20, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RUBEN ORTIZ-MORENO,

Defendant - Appellant.

No. 25-3162
(D.C. No. 6:24-CR-10079-JWB-1)
(D. Kan.)

ORDER AND JUDGMENT*

Before **MATHESON, BACHARACH**, and **PHILLIPS**, Circuit Judges.**

Ruben Ortiz-Moreno entered a conditional plea of guilty to violating 18 U.S.C. § 922(g)(5), reserving the right to appeal the district court's denials of motions to dismiss that asserted Commerce-Clause and Second-Amendment challenges to section 922(g)(5). Mr. Ortiz-Moreno filed this appeal, and this matter is now before the court on Mr. Ortiz-Moreno's *Motion for Summary Disposition/Affirmance*. Mr. Ortiz-Moreno concedes that the issues raised in his appeal are foreclosed by *United States v. Patton*, 451 F.3d 615, 634-635 (10th Cir. 2006) (Commerce Clause), and

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

** Because this matter is being decided on an unopposed motion for summary affirmance, the panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(f); 10th Cir. R. 34.1(G). The case is therefore submitted without oral argument.

United States v. Duque-Ramirez, 161 F.4th 1237, 1252 (10th Cir. 2025) (Second Amendment), but notes that he preserves his Commerce-Clause and Second Amendment claims for further review in the United States Supreme Court. Appellee United States does not oppose the motion.

Upon consideration, Appellant Ortiz-Moreno's unopposed *Motion for Summary Disposition/Affirmance* is GRANTED.

The judgment of the district court is AFFIRMED.

Entered for the Court

Per Curiam