

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 20 2026

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

OSCAR BERNABE-MARTINEZ,

Defendant - Appellant.

No. 24-6604

D.C. No.

1:22-cr-00276-AKB-1

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Idaho  
Amanda K. Brailsford, District Judge, Presiding

Submitted March 16, 2026\*\*

Before: SILVERMAN, NGUYEN, and HURWITZ, Circuit Judges.

Oscar Bernabe-Martinez appeals from the district court's judgment and challenges his conviction for possession of a firearm by an alien unlawfully in the United States in violation of 18 U.S.C. § 922(g)(5)(A). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Bernabe-Martinez contends that his conviction should be vacated because § 922(g)(5)(A) violates the Second Amendment as applied to him. This claim is foreclosed by *United States v. Vazquez-Ramirez*, 163 F.4th 706 (9th Cir. 2026), which was decided after briefing. *See id.* at 708 (“[T]he Second Amendment does not invalidate § 922(g)(5)(A).”).

**AFFIRMED.**