

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 13 2026

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ORLANDO ROJO,

Defendant - Appellant.

No. 23-598

D.C. No.

3:21-cr-00682-GPC-1

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Gonzalo P. Curiel, District Judge, Presiding

Submitted April 22, 2026**

Before: LEE, DESAI, and JOHNSTONE, Circuit Judges.

Orlando Rojo appeals from the district court's judgment and challenges his guilty-plea conviction for being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Rojo asserts that § 922(g)(1) violates the Second Amendment, both facially

* 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).

and as applied to him as a purportedly non-violent felon. This claim is foreclosed.

See United States v. Duarte, 137 F.4th 743, 750 (9th Cir. 2025) (en banc)

(“[Section] 922(g)(1) is constitutional as applied to non-violent felons[.]”), *cert.*

denied, ___ S. Ct. ___, 2026 WL 135692 (U.S. Jan. 20, 2026).

AFFIRMED.