

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

March 4, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CRISTIAN NUÑO-LOPEZ,

Defendant - Appellant.

No. 25-1409
(D.C. No. 1:24-CR-00329-RMR-1)
(D. Colo.)

ORDER AND JUDGMENT*

Before **HARTZ, MATHESON, and ROSSMAN**, Circuit Judges.

Christian Nuño-Lopez was indicted on one count of being a felon in possession of a firearm and ammunition in violation of 18 U.S.C. § 922(g)(1). He moved to dismiss the indictment on the ground that § 922(g)(1) is unconstitutional under the Second Amendment, both facially and as applied to him. The district court denied the motion.

* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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.

Mr. Nuño-Lopez pled guilty and was sentenced to 70 months in prison, followed by three years of supervised release.

In his brief to this court, Mr. Nuño-Lopez states that in district court he “conceded his claims were foreclosed by this Court’s decision in *Vincent v. Bondi*, 127 F.4th 1263 (10th Cir. 2025), *pet. for cert. filed* (U.S. May 12, 2025) (No. 24-1155), and that he was raising them for purposes of preservation.” Aplt. Br. at 3.¹ He brought this appeal “[f]or preservation purposes,” and makes the same concession. *Id.* at 4. We therefore affirm the district court’s judgment.

Entered for the Court

Scott M. Matheson, Jr.
Circuit Judge

¹ The Supreme Court denied certiorari in *Vincent v. Bondi* on March 2, 2026. 607 U.S. --- (2026) (No. 24-1155).