

IN THE SUPREME COURT OF THE UNITED STATES

THELONIOUS WAYNE KIRBY, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES

ELIZABETH B. PRELOGAR
Solicitor General
Counsel of Record
Department of Justice
Washington, D.C. 20530-0001
SupremeCtBriefs@usdoj.gov
(202) 514-2217

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No. 24-5453

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MEMORANDUM FOR THE UNITED STATES

Petitioner contends (Pet. 9-15) that 18 U.S.C. 922(g)(1), the federal statute that prohibits a person from possessing a firearm if he has been convicted of “a crime punishable by imprisonment for a term exceeding one year,” ibid., violates the Second Amendment. In United States v. Rahimi, 144 S. Ct. 1889 (2024), this Court clarified the methodology for determining whether a firearms regulation complies with the Second Amendment. After issuing that decision, the Court granted certiorari in multiple cases presenting the question whether Section 922(g)(1) violates the Second Amendment, vacated the decisions below, and remanded for further consideration in light of Rahimi. See Garland v.

Range, 144 S. Ct. 2706 (2024) (No. 23-374); Vincent v. Garland, 144 S. Ct. 2708 (2024) (No. 23-683); Jackson v. United States, 144 S. Ct. 2710 (2024) (No. 23-6170); Cunningham v. United States, 144 S. Ct. 2713 (2024) (No. 23-6602); Doss v. United States, 144 S. Ct. 2712 (2024) (No. 23-6842). Consistent with that practice, the Court should grant the petition for a writ of certiorari in this case, vacate the court of appeals' judgment, and remand for further consideration in light of Rahimi.*

Respectfully submitted.

ELIZABETH B. PRELOGAR
Solicitor General

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* The government waives any further response to the petition for a writ of certiorari unless this Court requests otherwise.