

No. 24-5997

IN THE SUPREME COURT OF THE UNITED STATES

TORRENCE DENARD WHITAKER, 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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Petitioner contends (Pet. 9-27) 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, 602 U.S. 680 (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, e.g., Canada v.

United States, No. 24-5391, 2024 WL 4654952 (Nov. 4, 2024); Talbot v. United States, No. 24-5258, 2024 WL 4654945 (Nov. 4, 2024); Hoefl v. United States, No. 24-5406, 2024 WL 4654946 (Nov. 4, 2024).

The court of appeals issued its decision in this case after Rahimi. But the court explained that it was bound by its decision in United States v. Dubois, 94 F.4th 1284 (11th Cir. 2024), see Pet. App. A1, at 6-8 -- which this Court has vacated and remanded in light of Rahimi, see United States v. Dubois, No. 24-5744, 2025 WL 76413 (Jan. 13, 2025). Vacatur and remand is thus warranted here as well.*

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.