No.

In the Supreme Court of the United States

MICHAEL TYRONE YOUNG,
PETITIONER

v.

UNITED STATES OF AMERICA

On Petition for Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit

PETITION FOR WRIT OF CERTIORARI

A. FITZGERALD HALL
Federal Defender
JONAS CUMMINGS
Research Writing Attorney
Counsel of Record
200 West Forsyth St.
Suite 1240
Jacksonville, FL 32202
jonas_cummings@fd.org
(904) 232-3039

QUESTION PRESENTED

Whether 18 U.S.C. § 922(g)(1) violates the Second Amendment as applied to an individual with nonviolent felony convictions for distributing controlled substances.

RELATED PROCEEDINGS

United States District Court (M.D. Fla.)
United States v. *Young*, No. 5:21-cr-88
(January 31, 2023)

United States Court of Appeals (11th Cir.)
United States v. *Young*, No. 23-10464
(July 19, 2024)

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Petitioner Michael Tyrone Young respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Eleventh Circuit.

OPINION BELOW

The opinion of the court of appeals (App. 1a–23a, *infra*) is not reported, but is available at 2024 WL 3466607.

JURISDICTION

The United States District Court for the Middle District of Florida had jurisdiction over this criminal case under 18 U.S.C. § 3231. The Eleventh Circuit Court of Appeals had jurisdiction to review the final decision of the district court under 28 U.S.C. § 1291.

The Eleventh Circuit issued its decision on July 19, 2024. On October 8, 2024, Justice Thomas extended the time to file the petition for a writ of certiorari to November 18, 2024. This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Second Amendment to the Constitution of the United States provides:

A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

18 U.S.C. § 922(g)(1) provides in part:

(g) It shall be unlawful for any person—
(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

***

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

STATEMENT

I. Introduction and Legal Background

In *District of Columbia* v. *Heller*, the Court recognized that the Second Amendment conferred an individual right to possess handguns in the home for self-defense. 554 U.S. 570, 635–36 (2008). *Heller* imposed "a test rooted in the Second Amendment's text, as informed by history," for reviewing Second Amendment claims. *See N.Y. State Rifle & Pistol Ass'n* v. *Bruen*, 597 U.S. 1, 19 (2022). The Court has since explained that, if the Second Amendment's plain text covers an individual's conduct, "the government must affirmatively prove that its firearm regulation is part of the historical tradition that delimits the outer bounds of the right to keep and bear arms." *Ibid.* The Court recently reaffirmed that decision in *United States* v. *Rahimi*, 144 S. Ct. 1889, 1897 (2024). *Rahimi* also emphasized that "[w]hy and how the regulation burdens the [Second Amendment] right are central to" the inquiry of whether a new law is "'relevantly similar' to laws that our tradition is understood to permit . . . ." *Id.* at 1898.

In *Heller*, the Court said in dicta that while it did "not undertake an exhaustive historical analysis today of the full scope of the Second Amendment, nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill . . . ." 554 U.S. at 626; *see also McDonald* v. *City of Chicago*, 561 U.S. 742, 786 (2010) (stating the Court "made it clear in *Heller* that our holding did not cast doubt on longstanding regulatory measures," including laws disarming felons (quoting *Heller*, 554 U.S. at 626–27)); *Rahimi*, 144 S. Ct. at 1944 n.7 (Thomas, J., dissenting)

(describing "the passing reference in *Heller* to laws banning felons and others from possessing firearms" as "dicta"). The Court described such measures as "presumptively lawful." *Heller*, 554 U.S. at 627 n.26. But it also noted that, because *Heller* "represent[ed] this Court's first in-depth examination of the Second Amendment, one should not expect it to clarify the entire field." *Id.* at 635. And "there will be time enough to expound upon the historical justifications for the exceptions [the Court has] mentioned if and when those exceptions come before [it]." *Ibid.*

After *Heller*, the Eleventh Circuit examined the constitutionality of Section 922(g)(1), which permanently disarms all individuals who have been convicted of a felony. *United States* v. *Rozier*, 598 F.3d 768 (11th Cir. 2010). Because *Heller* said it had "assumed" that Dick Heller was "not disqualified from the exercise of Second Amendment rights" before holding that he must be allowed to register his handgun and keep it in the home, *Heller*, 554 U.S. at 635, the Eleventh Circuit concluded that "the first question to be asked is . . . whether one is qualified to possess a firearm," *Rozier*, 598 F.3d at 770. The *Rozier* court concluded that *Heller* limited its decision to law-abiding and qualified individuals. *See id.* at 771 & n.6. Read in this context, *Rozier* reasoned, *Heller*'s dicta about felon disarmament laws being "presumptively lawful" meant that "statutory restrictions of firearm possession, such as § 922(g)(1), are a constitutional avenue to restrict the Second Amendment right of certain classes of people." *Id.* at 771. The Eleventh Circuit conducted no analysis to determine whether there were historical justifications or analogues for Section 922(g)(1).

The Eleventh Circuit reaffirmed *Rozier* after this Court decided *Bruen*. *United States* v. *Dubois*, 94

F.4th 1284, 1293 (11th Cir. 2024). *Bruen* did not clearly abrogate circuit precedent, the Eleventh Circuit reasoned, because this Court said in *Bruen* that its decision was "[i]n keeping with *Heller*." *Ibid.* The Eleventh Circuit said it "require[d] clearer instruction from the Supreme Court before [it] may reconsider the constitutionality of section 922(g)(1)." *Ibid.*

After the Eleventh Circuit's decision in *Dubois*, this Court decided *Rahimi*. There, the Court reaffirmed that the scope of the Second Amendment right is decided by examining the "historical tradition of firearm regulation." *Rahimi*, 144 S. Ct. at 1897. It also cautioned that its decisions in *Heller*, *McDonald*, *Bruen*, and *Rahimi* did not undertake an exhaustive historical analysis of the full scope of the Second Amendment. *Id.* at 1903.

The majority, concurring, and dissenting opinions each recognized that *Rahimi* and its predecessors left unanswered questions about the constitutionality of firearms regulations. For example, the majority rejected the government's contention that *Heller* and *Bruen* authorized it to disarm individuals just because they are not "responsible." *Ibid.* The Court explained that although it previously "used the term 'responsible' to describe the class of ordinary citizens who undoubtedly enjoy the Second Amendment right," "those decisions did not define the term and said nothing about the status of citizens who were not 'responsible.' The question was simply not presented." *Ibid.*

Similarly, in his concurring opinion, Justice Gorsuch noted that the Court did not decide "whether the government may disarm a person without a judicial finding that he poses a 'credible threat' to another's physical safety." *Id.* at 1909 (Gorsuch, J., concurring). "Nor d[id the Court] purport to approve in advance

other laws denying firearms on a categorical basis to any group of persons a legislature happens to deem, as the government puts it, 'not responsible.'" *Id.* at 1910. Those issues were not decided because they were not the issues presented to the Court. *Ibid.*

When *Rahimi* was decided, several petitions were pending asking the Court to resolve the constitutionality of Section 922(g)(1). The Court granted the writs, vacated the decisions, and remanded for further consideration (GVR) in light of *Rahimi*. *Garland* v. *Range*, 144 S. Ct. 2706 (2024) (Mem.); *Vincent* v. *Garland*, 144 S. Ct. 2708 (2024) (Mem.); *Doss* v. *United States*, 144 S. Ct. 2712 (2024) (Mem.); *Jackson* v. *United States*, 144 S. Ct. 2710 (2024) (Mem.); *Cunningham* v. *United States*, 144 S. Ct. 2713 (2024) (Mem.).

Despite this Court's recent decisions that a gun regulation's constitutionality is decided by looking at history, the Eleventh Circuit continues to adhere to its pre-*Rahimi* decisions in *Rozier* and *Dubois*, which have no historical analysis. *United States* v. *Rambo*, No. 23-13772, 2024 WL 3534730, at *2 (11th Cir. July 25, 2024) ("And our binding precedents in *Dubois* and *Rozier* similarly foreclose his Second Amendment arguments. The Supreme Court's decision in *United States v. Rahimi* did not abrogate *Dubois* or *Rozier* because it did not 'demolish' or 'eviscerate' the 'fundamental props' of those precedents."), *reh'g denied* (11th Cir. Oct. 23, 2024).

II. Proceedings Below

Mr. Young was charged with possession of a firearm knowing he had been convicted of a felony, in violation of 18 U.S.C. § 922(g)(1). Doc. 6 at 1. The indictment listed three prior felony convictions, each obtained on the same day in 2018: possession with

intent to sell cocaine, oxycodone, and cannabis. *Ibid.*

After a motion to suppress failed, *see* Docs. 29, 60, Mr. Young waived his right to a jury trial and proceeded to a stipulated-facts bench trial, at which the district court found him guilty, Docs. 67, 68. The district court sentenced him to 33 months in prison and three years of supervised release. Doc. 87. He appealed his conviction to the Eleventh Circuit.

As relevant to this petition, Mr. Young argued on appeal that his Section 922(g)(1) conviction should be vacated because the statute violates the Second Amendment as applied to him. He argued that the Eleventh Circuit's precedent in *Rozier* was abrogated by this Court's decision in *Bruen*, that he is a member of "the people" who enjoy rights under the Second Amendment, and that his conduct fell within the Second Amendment's plain text. As a result, his conduct was presumptively lawful under *Bruen*, and the government could not show that Section 922(g)(1) was consistent with this Nation's tradition of firearms regulation.

Because the Second Amendment argument was raised for the first time on appeal, the Eleventh Circuit reviewed it for plain error. App. 13a, 20a. But ultimately, the Eleventh Circuit rejected the argument because it was "foreclosed by precedent." App. 22a. "After *Bruen*," the court said, "we considered another Second Amendment challenge to § 922(g)(1)" and "held that the challenge was foreclosed by *Rozier*, which 'interpreted *Heller* as limiting the [Second Amendment] right to law-abiding and qualified individuals and as clearly excluding felons from those categories by referring to felon-in-possession laws as presumptively lawful.'" *Ibid.* (quoting *Dubois*, 94 F.4th at 1293). Because *Bruen* "continued to describe the right to bear arms as extending only to 'law-abiding,

responsible citizens,'" the court explained, it concluded in *Dubois* "that *Bruen* did not abrogate *Rozier*." App. 23a (quoting *Dubois*, 94 F.4th at 1293). The court added that *Rahimi* did not change its analysis because *Rahimi* "once again declared that the prohibition on the possession of firearms by felons is presumptively lawful." *Ibid.* (cleaned up).

REASONS FOR GRANTING THE PETITION

The Court's review is needed to determine whether Section 922(g)(1) is unconstitutional under the Second Amendment.

A. The decision below is wrong.

Under *Bruen*'s historical test, as affirmed by *Rahimi*, the decision below cannot stand. Section 922(g)(1) violates the Second Amendment because the Nation's historical tradition of firearms regulation does not allow the federal government to permanently disarm a citizen based only on the fact that he has—according to modern legislatures—a felony conviction.

1. The Eleventh Circuit did not apply the history-and-tradition test required by *Bruen* and *Rahimi*.

This Court clarified that for a firearms regulation to survive a Second Amendment challenge, "the government must affirmatively prove that its firearms regulation is part of the historical tradition that delimits the outer bounds of the right to keep and bear

arms." *Bruen*, 597 U.S. at 19; *see also Rahimi*, 144 S. Ct. at 1897. Yet the Eleventh Circuit conducted no analysis of text, history, and tradition. *Dubois*, 94 F.4th at 1291–93; App. 22a–23a (relying on prior decisions in *Dubois* and *Rozier*).

Rather than conduct the test prescribed by this Court, the Eleventh Circuit relied on *Heller*'s dicta that felon disarmament laws are presumptively lawful. *Dubois*, 94 F.4th at 1291–93; App. 22a–23a. But as this Court said, *Heller* did not examine the historical justifications for such laws. *Heller*, 554 U.S. at 635. Nor did it, or any subsequent decision, define who enjoys rights under the Second Amendment. *Rahimi*, 144 S. Ct. at 1903. Indeed, this Court rejected the government's argument in *Rahimi* that an individual may be disarmed just because he is not "responsible." *Ibid.* The circuit court's reliance on *Heller*'s dicta that felon-disarmament laws are only presumably lawful—without conducting any historical analysis—was error.

Under a proper analysis, Section 922(g)(1) is unconstitutional. There is no historical justification for excluding Mr. Young from "the people" based solely on past felony convictions, nor is there a historical justification for permanently disarming a member of "the people" on this basis.

2. Mr. Young is among "the people" described in the Second Amendment.

The phrase "the people" in the Second Amendment "unambiguously refers to all members of the political community, not an unspecified subset." *Heller*, 554 U.S. at 580. As then-Judge Barrett recognized, felons are not "categorically excluded from our national community" and fall within the amendment's scope.

Kanter v. *Barr*, 919 F.3d 437, 453 (7th Cir. 2019) (Barrett, J., dissenting).

"The people," *Heller* explained, is a "term of art employed in select parts of the Constitution," including "the Fourth Amendment, . . . the First and Second Amendments, and . . . the Ninth and Tenth Amendments." 554 U.S. at 579–80. Felons are among "the people" whose "persons, houses, papers, and effects" enjoy Fourth Amendment protection. U.S. Const. amend. IV; *United States* v. *Lara*, 815 F.3d 605, 609 (9th Cir. 2016). Felons likewise enjoy "the right of the people" to "petition the government for redress of grievances." U.S. Const. amend. I; *Entler* v. *Gregoire*, 872 F.3d 1031, 1039 (9th Cir. 2017). If a person with a felony conviction is one of "the people" protected by the First and Fourth Amendments, *Heller* teaches that this person is one of "the people" protected by the Second Amendment too. *Range* v. *Att'y Gen.*, 69 F.4th 96, 102 (3d Cir. 2023) (en banc), *vacated and remanded for further consideration*, 144 S. Ct. 2706 (Mem.).

3. The government cannot show a historical tradition of permanently disarming a nonviolent felon like Mr. Young.

When examining a regulation's validity under the Second Amendment, "the appropriate analysis involves considering whether the challenged regulation is consistent with the principles that underpin our regulatory tradition." *Rahimi*, 144 S. Ct. at 1898. To evaluate whether a modern regulation is relevantly similar to what our tradition permits, courts should not require regulations to be "dead ringers" or "historical twins." *Ibid.* Rather, "[w]hy and how the regulation burdens the right are central to th[e]

inquiry." *Ibid.*

"[I]f laws at the founding regulated firearm use to address particular problems, that will be a strong indicator that contemporary laws imposing similar restrictions for similar reasons fall within a permissible category of regulations." *Ibid.* Even so, a modern-day regulation "may not be compatible with the [Second Amendment] right if it [imposes restrictions] to an extent beyond what was done at the founding." *Ibid.* Instead, a challenged regulation must "be analogous enough to pass constitutional muster." *Ibid.* (quoting *Bruen*, 597 U.S. at 30).

The government cannot show a relevant Founding-era analogue to either the "why" or the "how" of Section 922(g)(1). As to the "why," no evidence has emerged of any significant Founding-era firearms restrictions on citizens like Mr. Young. While the historical record suggests that dangerousness sometimes supported disarmament, conviction status alone did not connote dangerousness to the Founding generation. At the Founding, "[p]eople considered dangerous lost their arms. But being a criminal had little to do with it." *United States* v. *Jackson*, 85 F.4th 468, 470–72 (8th Cir. 2023) (Stras, J., dissenting from denial of rehearing en banc).

As to the "how," no Founding-era evidence has emerged of class-wide, lifetime bans on firearms possession just because of conviction status. Total bans on felon possession existed nowhere until at least the turn of the twentieth century. Kevin Marshall, *Why Can't Martha Stewart Have A Gun?*, 32 Harv. J.L. & Pub. Pol'y 695, 708 (2009). As then-Judge Barrett explained: "The best historical support for a legislative power to permanently dispossess all felons would be founding-era laws explicitly imposing-or explicitly authorizing the legislature to impose-such a ban. But at

least thus far, scholars have not been able to identify any such laws." *Kanter*, 919 F.3d at 454 (Barrett, J., dissenting).

Founding-era surety and forfeiture laws are not analogous enough to Section 922(g)(1) to survive Second Amendment scrutiny. Unlike Section 922(g)(1), Founding-era surety laws at most temporarily deprived an owner of his arms if he was found to pose a unique danger to others. *Rahimi*, 144 S. Ct. at 1899–1900; *Bruen*, 597 U.S. at 55–59. Section 922(g)(1), in contrast, imposes a permanent class-wide ban, no matter how peaceable a class member actually is. Nor do Founding-Era forfeiture laws resemble Section 922(g)(1); those laws involved forfeiture only of specific firearms. They did not prevent the subject from acquiring replacement arms or keeping other arms they already possessed. *See, e.g.*, Act of Dec. 21, 1771, ch. 540, N.J. Laws 343–44 (providing for forfeiture of hunting rifles used in illegal game hunting); Act of Apr. 20, 1745, ch. 3, N.C. Laws 69–70 (same); *see also Range*, 69 F.4th at 104–05 (Krause, J., dissenting).

Nor do Founding-era penalties for convicted felons provide historical justification for Section 922(g)(1). According to the Fifth Circuit, execution and estate-forfeiture were standard penalties for felonies during the Founding era. *United States v. Diaz*, 116 F.4th 458, 467–68 (5th Cir. 2024). So, the Fifth Circuit reasoned, the lesser sanction of permanent disarmament withstands historical scrutiny—at least for someone convicted of a crime analogous to a Founding-era felony. *Id.* at 468–72; *see also United States v. Duarte*, 101 F.4th 657, 688–91, *vacated pending reh'g en banc*, 108 F.4th 786 (9th Cir. 2024). But "[t]he greater does not necessarily include the lesser: founding-era governments' execution of some individuals convicted of certain offenses does not mean the State, then or now,

could constitutionally strip a felon of his right to possess arms if he was not executed." *Range,* 69 F.4th at 105; *accord Kanter*, 919 F.3d at 458–62 (Barrett, J., dissenting) (challenging the premise that all Founding-era felonies were punishable by execution or civil death, or that such a tradition would support permanently disarming felons who completed their sentence). Plus, the felony category of crimes was "a good deal narrower" at the Founding compared to now. *Lange v. California*, 594 U.S. 295, 311 (2021); *see Diaz*, 116 F.4th at 468 (quoting *Lange*, 594 U.S. at 311). "Many crimes classified as misdemeanors, or nonexistent, at common law are now felonies." *Tennessee v. Garner*, 471 U.S. 1, 14 (1985). And "because the felony label is arbitrary and manipulable," many felonies today "are far less serious than those at common law." *Folajtar v. Att'y Gen.*, 980 F.3d 897, 912 (3d Cir. 2020) (Bibas, J., dissenting), *abrogation recognized by Range*, 69 F.4th at 100–01. Thus, "[s]imply classifying a crime as a felony does not meet the level of historical rigor required by *Bruen* and its progeny" because "not all felons today would have been considered felons at the Founding." *Diaz*, 116 F.4th at 469.

In sum, there is no historical or textual support for the Eleventh Circuit's absolute rule that all felons are disqualified from exercising their Second Amendment right. The Eleventh Circuit's categorical rule is wrong as a general matter, and it is wrong as it relates to Mr. Young. Section 922(g)(1) forbids him from ever possessing a firearm based on his 2018 convictions for possessing marijuana, cocaine, and oxycodone with intent to distribute. While modern legislatures may punish the distribution of narcotics, there is no historical evidence that this was a felony during the Founding era. The lack of such historical evidence is noteworthy because drugs are nothing new: "both

George Washington and Thomas Jefferson grew hemp," for example. Robert L. Greenberg, *Lawyers, Guns & Weed*, 21 Rutgers J.L. & Pub. Pol'y 249, 292 (2024). And opium was in widespread use, including by such Founders as Benjamin Franklin, Alexander Hamilton, Jefferson, and John Randolph. Erick Trickey, *Inside the Story of America's 19th-Century Opiate Addiction*, Smithsonian Magazine (Jan. 4, 2018), available at https://www.smithsonianmag.com/history/inside-story-americas-19th-century-opiate-addiction-180967673/; *United States v. Veasley*, 98 F.4th 906, 911–12 (8th Cir. 2024). Alexander Campbell, a peer of John Marshall's, even died when he overdosed on a tincture of opium. *United States v. Goins*, 118 F.4th 794, 806 (6th Cir. 2024) (Bush, J., concurring in part) (citing Letter from John Marshall to Henry Lee, July 18, 1796, in 3 Papers of John Marshall (C. Cullen ed. 1979), 35). Yet, "[f]rom the founding of the Republic until the beginning of the twentieth century, narcotics went unregulated by the federal government." Mark Osler & Thea Johnson, *Why Not Treat Drug Crimes As White-Collar Crimes?*, 61 Wayne L. Rev. 1, 3 (2015). "During this period, opium was marketed to housewives, and cocaine was included in soft drinks." *Ibid.* Thus, Mr. Young would not have been considered a felon during the Founding era for selling or distributing narcotics. And even if he would have been, "there is no evidence that all felons were disarmed as part of their punishment." *Folajtar*, 980 F.3d at 912 (Bibas, J., dissenting); *accord Kanter*, 919 F.3d at 458–62 (Barrett, J., dissenting).

The Eleventh Circuit's absolute rule "gives legislatures unreviewable power to manipulate the Second Amendment" by extending the felony label to acts that would not have been considered felonies during the Founding—if they would have been considered crimes

at all. *Folajtar*, 980 F.3d at 912 (3d Cir. 2020) (Bibas, J., dissenting). Because "[s]imply classifying a crime as a felony does not meet the level of historical rigor required by *Bruen* and its progeny," *Diaz*, 116 F.4th at 469, the government cannot, consistent with history and tradition, strip Mr. Young of his Second Amendment right merely because of his modern, nonviolent drug convictions.

B. This is an important and recurring question that has divided the circuits.

The Court should grant Mr. Young's petition because the question is both one of great public importance and it has divided the circuits.

1. The question is one of great public importance.

For starters, Section 922(g) "is no minor provision." *Rehaif* v. *United States*, 588 U.S. 225, 239 (2019) (Alito, J., dissenting). It accounts for nearly 12.5% of all federal criminal convictions. *See* U.S. Sent'g Comm'n, *Quick Facts: 18 U.S.C. § 922(g) Firearms Offenses* (July 2024), https://perma.cc/NX92-F9ZQ. Around 88.5% of all Section 922(g) convictions in fiscal year 2023 were under Section 922(g)(1). *Ibid.*

Although the right to keep and bear arms is among the "fundamental rights necessary to our system of ordered liberty," *McDonald*, 561 U.S. at 778, felony convictions are "the leading reason" for background checks to result in the denial of this individual right. *See* Crim. Justice Info. Servs. Div., Fed. Bureau of Investigation, U.S. Dep't of Justice, National Instant Criminal Background Check System Operational

Report 2020–2021, at 18 (Apr. 2022), https://perma.cc/EQ6B-94DD. Over two million denials have taken place since the creation of the federal background-check system in 1998. *Ibid.* Thus, whether permanently disarming felons categorically is appropriate, or whether the Second Amendment permits as-applied challenges to Section 922(g)(1), is exceptionally important.

2. The question has divided the circuits

In addition, the question of whether the government may permanently disarm a person solely on the basis of a felony conviction has split the lower courts.

The Eighth and Eleventh Circuits have endorsed an absolute rule that felons may be permanently disarmed under the Second Amendment, no matter the circumstances or how broadly modern legislatures might apply the felony label. *See United States v. Jackson*, 110 F.4th 1120, 1129 (8th Cir. 2024); *Dubois*, 94 F.4th at 1293 (11th Cir.). In contrast, the Fifth and Sixth Circuits hold that the constitutionality of Section 922(g)(1) may be challenged on an as-applied basis, with a focus on the nature of the individual's criminal record. *Diaz*, 116 F.4th at 467–72 & n.4 (5th Cir.); *United States v. Williams*, 113 F.4th 637, 662–63 (6th Cir. 2024). *See also Range*, 69 F.4th at 100–01, 106 (3d Cir.) (finding Section 922(g)(1) unconstitutional as applied to a citizen with a felony conviction for welfare fraud), *vacated and remanded*, 144 S. Ct. 2706; *Duarte*, 101 F.4th at 670–91 (9th Cir.) (finding Section 922(g)(1) unconstitutional as applied to defendant whose prior convictions were not analogous to Founding-era felonies), *vacated pending reh'g en banc*, 108 F.4th 786.

As the government previously stressed, there are "important interests in certainty regarding the constitutionality of one of the most-often enforced criminal statutes, which can only be provided by this Court resolving the question." Supp. Br. of Respondent, *Garland* v. *Range*, No. 23-374, 2024 WL 3258316, at *4 (June 26, 2024). The Second Amendment rights of citizens should not mean one thing in one circuit and a different thing in another. This Court's intervention is therefore necessary to restore uniformity to the meaning of the Second Amendment.

CONCLUSION

For the above reasons, Mr. Young respectfully asks this Court to grant his petition for a writ of certiorari review.

Respectfully submitted.

A. FITZGERALD HALL
Federal Defender
JONAS CUMMINGS
Research and Writing Attorney

November 18, 2024

APPENDIX

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