

No. 24-6107

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IN THE SUPREME COURT OF THE UNITED STATES

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MARCUS ALBERT RAMBO, PETITIONER

v.

UNITED STATES OF AMERICA

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

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MEMORANDUM FOR THE UNITED STATES

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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. 10-34) 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 1 -- which the government has acknowledged should be vacated and remanded in light of Rahimi, see Gov't Mem. at 1-2, Dubois v. United States, No. 24-5744 (Dec. 12, 2024). Vacatur and remand is thus warranted here as well.\*

Respectfully submitted.

ELIZABETH B. PRELOGAR  
Solicitor General

JANUARY 2025

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