No. _____

In The Supreme Court Of The United States

Edell Jackson,

Petitioner,

vs.

United States of America,

Respondent.

On Petition for Writ of Certiorari
To The United States Court of Appeals
For The Eighth Circuit

PETITION FOR WRIT OF CERTIORARI

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Question Presented for Review

Whether 18 U.S.C. § 922(g)(1), the statute prohibiting possession of firearms by persons convicted of a crime punishable by imprisonment for a term exceeding one year, is susceptible to an as applied constitutional challenge, and whether it violates the Second Amendment as applied to Petitioner Edell Jackson.

Proceedings Directly Related to this Case

1. *United States vs. Edell Jackson*, 21-Cr-51 (DWF/TNL), District Of Minnesota, Judgment entered on 1 September 2022.

2. *United States vs. Edell Jackson*, No. 22-287, Eighth Circuit Court of Appeals, Judgment entered on 2 June 2023 (*Jackson I*).

3. *United States vs. Edell Jackson*, No. 22-287, Eighth Circuit Court of Appeals (Order Denying Petition for En Banc Rehearing), Order entered on 30 August 2023.

4. *Edell Jackson vs. United States*, No. 23-6170, United States Supreme Court (Order granting certiorari, vacating judgment, and remanding), Order entered on 2 July 2024.

5. *United States v. Edell Jackson*, No. 22-287, Eighth Circuit Court of Appeals, Judgment entered on 8 August 2024 (*Jackson II*).

6. *United States vs. Edell Jackson*, No. 22-287, Eighth Circuit Court of Appeals (Order Denying Petition for En Banc Rehearing), Order entered on 5 November 2024.

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This Court's order granting the first petition for certiorari, vacating the judgment of the court of appeals, and remanding for reconsideration to the court of appeals is reported at *Jackson v. United States*, 144 S. Ct. 2710 (2024). The order of the Eighth Circuit Court of Appeals denying the petition for *en banc* rehearing in *Jackson I* is reported at *Jackson v. United States*, 85 F.4th 468 (8th Cir. 2023). The panel opinion of the court of appeals in *Jackson I* is reported at *United States v. Jackson*, 69 F.4th 495 (8th Cir. 2023). The district court order and memorandum denying Petitioner's motion to dismiss is not officially reported, but is unofficially available at 2022 WL 4226229 (D. Minn. 2022).

Jurisdictional Statement

The judgment of the Eighth Circuit court of appeals was entered in this case on 8 August 2024. A timely petition for *en banc* rehearing was denied by the court of appeals on 5 November 2024. This Petition for Certiorari is timely filed within the meaning of Rule 13 of the rules of this Court. This Court has jurisdiction to review the decision of the court of appeals pursuant to a writ of certiorari under 28 U.S.C. § 1254(1).

Constitutional Provisions and Statutes Involved in the Case

18 U.S.C. § 922(g)(1):

> It shall be unlawful for any person 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.

U.S. Const. Amend. II:

> 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.

Statement

1. This case arises from a federal grand jury indictment charging Petitioner Jackson with a single count of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). The district court had jurisdiction pursuant to 18 U.S.C. § 3231.

2. Petitioner Jackson was convicted after trial in federal district court in the district of Minnesota. He had served time in the custody of the Minnesota Department of Corrections after his previous felony convictions for the street-level sales of a few grams of cocaine. At the time of his arrest in this case, he knowingly possessed a pistol. He believed he had been relieved of his status as a felon, and returned to full citizenship, after completion of his prison sentence and upon discharge from all required supervision. His belief was based on his discharge paperwork that included a notice informing him of the restoration of his civil rights. That notice included a caveat that the right to possess a firearm was not restored for persons who had been convicted of "crimes of violence." Because his cocaine sales did not involve violence, he presumed the restoration of his civil rights to be complete. He was mistaken,

however, because the Minnesota statute defining crimes of violence includes virtually all felony drug offenses regardless how they might be committed.

3. After his trial, but before sentencing, this Court issued its opinion in *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1 (2022), and Petitioner promptly filed a motion to dismiss the indictment as based on a statute that was unconstitutional in violation of the Second Amendment both facially and as applied. The district court orally denied the motion to dismiss at Petitioner's sentencing hearing, and later filing a supplemental order and memorandum explaining the reasons for its decision to deny the motion to dismiss. Those reasons included reliance on the dicta in *District of Columbia v. Heller*, 554 U.S. 570 (2008), and *McDonald v. Chicago*, 561 U.S. 742 (2010), that the longstanding prohibitions on the possession of firearms by felons were "presumptively lawful." Appendix, at A-29-30, 32 n.2. The district court also concluded that the "presumptively lawful" character of the prohibition put the burden on Mr. Jackson to prove up his as-applied challenge. Appendix, at A-32 n.2. The district court further adopted the

conclusion that founding era gun restrictions were directed not merely at those deemed to be dangerous, but also at citizens who were "not law-abiding and responsible." Appendix, at A-32, 33-34. The district court concluded that "those who commit *serious* crimes – whether violent or nonviolent – forfeit their right to possess firearms." Appendix, at A-34.

4. Petitioner timely filed a notice of appeal, and the court of appeals had jurisdiction from the district court's final judgment pursuant to 28 U.S.C. § 1291. Among other issues raised in the court of appeals, Petitioner specifically defended his claim that 18 U.S.C. § 922(g)(1) was unconstitutional as applied to Petitioner, in violation of the Second Amendment.

5. In its first opinion, filed on 2 June 2023, the Eighth Circuit disagreed, finding that "legislatures traditionally employed status-based restrictions to disqualify categories of persons from possessing firearms," and that "Congress acted within the historical tradition when it enacted § 922(g)(1) and the prohibition on possession of firearms by felons." Appendix, at A-57.

The court of appeals further concluded "that there is no need for felony-by-felony litigation regarding the constitutionality of § 922(g)(1)," and expressed its concern that "declaring the statute unconstitutional as applied to all but those who have committed 'violent' felonies would substantially invalidate the provision enacted by Congress." Appendix, at A-47 and n.2. Then Chief Judge Smith concurred with the judgment, specifically concluding that *Heller* "remains the relevant precedent we are bound to apply." Appendix, at A-58.

6. Petitioner filed a petition for *en banc* rehearing of the panel opinion. On 30 August 2023, the court of appeals issued an order denying the petition for *en banc* rehearing, but that order was accompanied by a 19-page dissent from four of the active judges on the court. The dissent criticized the opinion in *Jackson I* for flipping the burden and requiring that "the *defendant*, not the government, must 'show . . . that his prior felony conviction is insufficient to justify the' stripping of Second Amendment Rights." Appendix, at A-61. It also argued that *Jackson I* gave "'second-class' treatment to the Second Amendment," and "create[d] a group of second-class

citizens: felons who, *for the rest of their lives*, cannot touch a firearm, no matter the crime they committed or how long ago it happened." Appendix, at A-60-61 (emphasis added).

7. Petitioner sought this Court's review of *Jackson I* in a petition for certiorari filed on 28 November 2023. In the Government response, the Solicitor General agreed that the issue presented merited the Court's plenary review.

8. On 21 June 2024, this Court issued its opinion in *United States v. Rahimi*, 602 U.S. 680 (2024), in which it considered and rejected a facial challenge to the constitutionality of the related statute prohibiting the possession of firearms by persons subject to a domestic violence restraining order. Its decision rested on two findings with respect to the "why" and the "how" of the burden on Mr. Rahimi's Second Amendment rights. First, that a court had made an individual finding that Mr. Rahimi posed a credible threat to the physical safety of another; and second, that the prohibition on firearms possession was only temporary: "An individual found by a court to pose a credible threat to the physical safety of another

may be temporarily disarmed consistent with the Second Amendment." *Id*. at 702.

9. On 2 July 2024, shortly after the *Rahimi* opinion was released, this Court granted Jackson's petition for certiorari, vacated the judgment of the court of appeals, and remanded the case (along with others raising the same or related issues) for reconsideration in light of *Rahimi*.

10. Only days after this Court's mandate issued, the Eighth Circuit issued a slightly revised opinion (*Jackson II*) that was filed on 8 August 2024. *Jackson II* is virtually identical to *Jackson I*. A few brief references to the *Rahimi* decision have been added, the first simply noting that nothing has changed: "*Rahimi* does not change our conclusion in this appeal, and we again affirm the judgment of the district court." Appendix, at A-2. The second noted that neither *Bruen* nor *Rahimi* cast doubt on the dictum in *Heller* regarding "presumptively constitutional" firearms prohibitions. Appendix, at A-10-11.

And despite *Rahimi*'s express reliance on a particularized finding of dangerousness in that case, *Jackson II* concluded that

"there is no requirement for an individualized determination of dangerousness as to each person in a class of prohibited persons." Appendix, at A-16. It thereby effectively closed the door on all as-applied constitutional challenges to the statute in the Eighth Circuit, clinging firmly to the holding in *Jackson I* that "there is no need for felony-by-felony litigation regarding the constitutionality of § 922(g)(1)." Appendix, at A-11.

11. Petitioner timely filed a petition for *en banc* rehearing of the panel opinion in *Jackson II*. On 5 November 2024, the court of appeals issued an order denying the petition for *en banc* rehearing. That order was again accompanied by a lengthy dissent from four of the active judges on the court, who criticized *Jackson II* for "pack[ing] a double whammy," Appendix, at A-93, by depriving "tens of millions of Americans of their right 'to keep and bear Arms' for the rest of their lives, . . . without a finding of a credible threat to the physical safety of others, or a way to prove that a dispossessed felon no longer poses a danger." *Id.* (cleaned up).

Argument In favor of Granting the Petition

Petitioner seeks this Court's review of the decision of the court of appeals because the United States Court of Appeals for the Eighth Circuit has decided an important question of federal constitutional law that has not been, but certainly should be, settled by this Court. It also has decided that important federal constitutional question in a way that conflicts with the relevant decisions of this Court.

This Court also should accept review because the Eighth Circuit's *Jackson II* opinion directly conflicts with cases from at least the Third and Sixth Circuit Courts of Appeals on the same important constitutional question, and the split of authorities is likely to grow.

A. *Jackson II* Conflicts with this Court's Precedent by Failing to Apply the *Bruen*/*Rahimi* Analytical Framework.

The *Jackson II* panel opinion directly conflicts with this Court's required historical analysis by ignoring the first of the Court's required metrics, and misapplying the second. As highlighted by *Bruen*, the "*central considerations*" when engaging

in an analogical inquiry are "whether modern and historical regulations impose a comparable burden on the right of armed self-defense and whether that burden is comparably justified." *Bruen*, 597 U.S. at 29. It referred to these twin considerations as "two metrics: how and why" a challenged regulation burdens the right to armed self-defense. *Id.*

Rahimi unequivocally reaffirmed the two required metrics of the analysis:

> Why and how the regulation burdens the right are central to this inquiry. For example, if 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. Even when a law regulates arms-bearing for a permissible reason, though, it may not be compatible with the right if it does so to an extent beyond what was done at the founding.

United States v. Rahimi, 602 U.S. 680, 692 (2024); *see also id.* at 709 (Gorsuch, J., concurring) ("the government must establish that. . . the challenged law "impose[s] a comparable burden on the right of armed self-defense to that imposed by a historically recognized regulation. And it must show that the burden imposed by the current law is comparably justified") (cleaned up).

Jackson II, however, fails entirely even to consider the first required metric of the *Bruen/Rahimi* analytical framework. It does not mention that the burden imposed by § 922(g)(1) is the imposition of a *lifetime* ban on the possession of all firearms and ammunition – a burden that finds no relevantly similar analogue at the time of the founding. Indeed, *Rahimi* noted that the bonds required by the surety laws it found relevantly analogous to the temporary prohibition imposed by § 922(g)(8) "could not be required for more than six months at a time, and an individual could obtain an exception if he needed his arms for self-defense or some other legitimate reason." *Rahimi*, at 697. It concluded that "like surety bonds of limited duration, Section 922(g)(8)'s restriction was temporary as applied to Rahimi. Section 922(g)(8) only prohibits firearm possession so long as the defendant 'is' subject to a restraining order." *Id*. at 699.

Jackson II also directly conflicts with the *Bruen/Rahimi* analytical framework by failing to require the government to identify a *relevantly similar* historical prohibition that complies with the second metric – pointing instead to ancient prohibitions

imposed on completely distinct categories of people who were considered political opponents or a danger of rebellion to the state. According to *Jackson II*, it did not matter *why* a legislature may have disqualified any particular category of persons from the possession of firearms, the important point was merely that they could and did: "we conclude that legislatures traditionally employed status-based restrictions to disqualify categories of persons from possessing firearms." Appendix, at 20. Having concluded that simply identifying a class of persons for dispossession was good enough, there was no reason to find a historically similar class to modern day felons or to identify a comparable justification for such a ban.

Rahimi requires more. It rested its "why" analysis (whether there is a comparable justification) squarely on the historical record supporting a tradition of firearms dispossession for persons deemed to be dangerous: "Since the founding, our Nation's firearm laws have included provisions preventing individuals who threaten physical harm to others from misusing firearms." *Rahimi*, 602 U.S. at 690. *Jackson II* expressly eschewed the need to find a comparable

justification for the felon dispossession statute, and appears to concede that the perceived "dangerousness" that may have animated Congress' decision to disarm felons as a class is utterly unsupported by any evidentiary record in this case (or anywhere else). It notes, apparently out of concern that § 922(g)(1) might be eviscerated if such proof were required, that

> According to published data, a rule declaring the statute unconstitutional as applied to all but those who have committed "violent" felonies would substantially invalidate the provision enacted by Congress. The most recent available annual data show that only 18.2 percent of felony convictions in state courts and 4.2 percent of federal felony convictions were for "violent offenses."

Appendix, at A-11 n.2

There of course have *always* been criminals and felons living among us, but "Founding-era legislatures did not strip felons of the right to bear arms simply because of their status as felons." *Kanter v. Barr*, 919 F.3d 437, 451 (7th Cir. 2019) (Barrett, Circuit Judge, dissenting), *majority opinion abrogated by New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1 (2022). In short, *Jackson II* conflict's with this Court's precedent by failing to employ the analytical framework required by both *Bruen* and *Rahimi*.

B. The Circuit Decisions Regarding As-Applied Challenges to §922(g)(1) Have Created an Intractable Split of Authority that Requires this Court's Intervention.

The split of authorities in the decisions by the courts of appeals on this same constitutional question begs this Court's intervention to provide essential guidance and uniformity in the law.

The court of appeals in *Jackson II* found, based on its interpretation of the historical record, "that legislatures traditionally employed status-based restrictions to disqualify categories of persons from possessing firearms" and that "Congress acted within the historical tradition when it enacted § 922(g)(1) and the prohibition on possession of firearms by felons." Appendix, at A-20. And it expressly closed the door on any as-applied constitutional challenge, specifically concluding "that there is no need for felony-by-felony litigation regarding the constitutionality of § 922(g)(1)," because "there is no requirement for an individualized determination of dangerousness as to each person in a class of prohibited persons." Appendix, at A-11 and A-16.

The Sixth Circuit, in contrast, while finding that class-based gun prohibitions are not prohibited, nonetheless *directly* disagreed

with the Eighth Circuit's rejection of felony-by-felony litigation: "legislatures may disarm groups of people, like felons, whom the legislature believes to be dangerous – so long as each member of that disarmed group has an opportunity to make an individualized showing that he himself is not actually dangerous." *United States v. Williams*, 113 F.4th 637, 113 (6th Cir. 2024).

The approval of as-applied constitutional challenges in the Sixth Circuit was knowingly in direct conflict with the Eighth Circuit's *Jackson II*, repeatedly citing Judge Stras's dissent from the denial of rehearing *en banc*, including for this common-sense observation:

> The dangerousness determination will be fact-specific, depending on the unique circumstances of the individual defendant. And in many instances—prior murders, rapes, or assaults—the dangerousness will be self-evident. District courts are well-versed in addressing challenges like these. We are therefore confident that the dangerousness inquiry is workable for resolving as-applied challenges to § 922(g)(1).

The Third Circuit, sitting *en banc* and citing *Williams*, found § 922(g)(1) to be unconstitutional as applied in another recent case, and declined to foreclose the possibility in others: "Like the Sixth Circuit, we refuse to defer blindly to § 922(g)(1) in its present form." *Range v.*

Att'y Gen. United States, 124 F.4th 218, 230 (3d Cir. 2024). It flatly disagreed with the Eighth Circuit's reasoning in *Jackson II*, concluding that the same proffered historical analogues were *not* relevantly similar to § 922(g)(1):

> The Government's attempt to identify older historical analogues also fails. The Government argues that "legislatures traditionally used status-based restrictions" to disarm certain groups of people. Apart from the fact that those restrictions based on race and religion now would be unconstitutional under the First and Fourteenth Amendments, the Government does not successfully analogize those groups to Range. That Founding-era governments disarmed groups they distrusted like Loyalists, Native Americans, Quakers, Catholics, and Blacks does nothing to prove that Range is part of a similar group today. And any such analogy would be far too broad.

Id. at 230 (cleaned up). The Third Circuit ended its analysis with an acknowledgment of the dangerousness inquiry focused on in *Rahimi*, and a finding that Mr. Range posed no danger to any person (an inquiry expressly rejected by the Eighth Circuit in *Jackson II*): "The record contains no evidence that Range poses a physical danger to others. Because the Government has not shown that our Republic has a longstanding history and tradition of depriving people like Range of their firearms, § 922(g)(1) cannot constitutionally strip him of his Second Amendment rights." *Range*, at 232.

The Fourth Circuit also recently entered the fray and widened the split of authority, siding with the Eighth Circuit: "Like the Eighth Circuit, we 'conclude that legislatures traditionally employed status-based restrictions to disqualify categories of persons from possessing firearms' and that 'Congress acted within the historical tradition when it enacted § 922(g)(1).'" *United States v. Hunt*, 123 F.4th 697, 705 (4th Cir. 2024). The Fourth Circuit's opinion in *Hunt* mirrors *Jackson II* in most of its relevant analysis, concluding with *Jackson II*'s rejection of as-applied challenges because "there is no need for felony-by-felony litigation regarding the constitutionality of § 922(g)(1). . . . We thus reject Hunt's as-applied constitutional challenge at step two of the *Bruen* analysis." *Hunt*, 123 F.4th at 708.

Other cases percolating up from the district courts show how diverse the various interpretations of § 922(g)(1) can be. One district court in the Seventh Circuit found the statute to be unconstitutional as applied to a defendant whose only criminal history consisted of possession of a controlled substance and delivery of a controlled substance (just like Petitioner Jackson). In that case, the court's analysis found "no evidence of any law

categorically restricting individuals with felony convictions from possessing firearms at the time of the Founding or ratification of the Second or Fourteenth Amendments." *United States v. Daniel*, 701 F. Supp. 3d 730, 737 (N.D. Ill. 2023).

The *Daniel* Court *did* find that the Government successfully had proved up a set of "relevantly similar" historical analogues of categorical firearms dispossession laws, but found them to fall far short of proving a comparable *burden* on the second amendment rights of those groups:

> Although the historical record discussed above demonstrates this nation's tradition of "comparably justified" categorical dispossession statutes, the government has failed to meet its burden of providing evidence of a dispossession statute with a "comparable burden" to § 922(g)(1). Specifically, this court is not persuaded that the government has met its burden to show a "distinctly similar," or even a "relevantly similar," historical analogue to § 922(g)(1)'s permanent prohibition on firearm possession by felons, which can be lifted only by expungement, federal pardon, or other method of restoring civil rights that lifts the underlying offense from a "conviction" under § 922(g).

Daniel, 701 F. Supp. 3d at 740-41 (N.D. Ill. 2023). It noted that

> although Catholics, enslaved people, and Native Americans were prohibited from firearm possession, individuals within these groups could possess firearms under certain circumstances. For example, Catholics

> who were " 'willing to swear undivided allegiance to the sovereign' were permitted to keep their arms" when they pledged allegiance to the United States or a particular state. Enslaved people could possess firearms if they had permission from their master.
>
> Moreover, the government does not provide evidence that Native Americans were prohibited from possessing firearms, except one Rhode Island law from 1677 that allowed the confiscation of guns owned by Native Americans if they did not have the necessary "ticket or order." Instead, state legislatures typically prohibited the sale of firearms to Native Americans, not possession itself.

Daniel, at 739 (cleaned up). It also observed that

> loyalty oath laws, which are the strongest analogue to § 922(g)(1), allowed individuals deemed "untrustworthy" to regain their right to keep and bear arms by swearing an oath to a state or the United States, or by renouncing their faith. There is no similar opportunity under § 922(g)(1) for felons to regain their rights after demonstrating their ability to abide by the rule of law.

Id. at 741.

It concluded that "this court is unable to uphold § 922(g)(1) as constitutional due to *Bruen*'s instruction that the government must provide evidence of a historical analogue that is both comparably justified and comparably burdensome of the right to keep and bear arms." *Id*. at 744.

C. The Further Split of Authority Regarding the Scope-of-The-Right Approach.

There aren't many court decisions in the growing split of authorities have accepted the government's repeated attempts to avoid altogether the issue of how to employ the *Bruen/Rahimi* analytical framework by simply defining "felons" as not part of the "people" protected by the Second Amendment. But the Fourth Circuit certainly has adopted the argument, and the Eighth Circuit has endorsed it as well, creating a clear split of authority in whether the Second Amendment even applies to persons convicted of felonies.

The Eighth Circuit in *Jackson II*, appeared to acknowledge and accept the scope-of-the-right reasoning – but without expressly employing it to render its decision – stating plainly that Mr. Jackson "is not a law- abiding citizen, and history supports the authority of Congress to prohibit possession of firearms by persons who have demonstrated disrespect for legal norms of society." Appendix, at A-16. The Eighth Circuit nonetheless *has* expressly adopted the argument. *See United States v. Sitladeen*, 64 F.4th 978, (8th Cir. 2023). "*Bruen* does not command us to consider only

"conduct" in isolation and simply assume that a regulated person is part of "the people." *Id*. at 987.

The Third Circuit concluded that it was necessary to address the question in the first part of its analysis, but rejected the argument, for a variety of reasons, including especially that it simply put too much power in the hands of legislators to strip citizens of their Second Amendment rights by applying an arbitrary label:

> At root, the Government's claim that felons are not among "the people" protected by the Second Amendment, devolves authority to legislators to decide whom to exclude from "the people." We reject that approach because such extreme deference gives legislatures unreviewable power to manipulate the Second Amendment by choosing a label.

Range v. Att'y Gen. United States, 124 F.4th 218, 228 (3d Cir. 2024) (cleaned up). "In sum, we reject the Government's contention that "felons are not among 'the people' protected by the Second Amendment." *Heller* and its progeny lead us to conclude that Bryan Range remains among "the people" despite his 1995 false statement conviction." *Id*. at 228.

The Fourth Circuit, in contrast, has accepted the argument, expressly concluding "that Section 922(g)(1) regulates activity — that is, the possession of firearms by felons—that falls outside the scope of the Second Amendment right as originally understood." *United States v. Hunt*, 123 F.4th 697, 705 (4th Cir. 2024) (cleaned up).

The Fifth Circuit has flatly *rejected* the argument: "The government also raises the familiar argument that Diaz is not among 'the people' protected by the Second Amendment. We disagree." *United States v. Diaz*, 116 F.4th 458, 466 (5th Cir. 2024). Its decision relied heavily on *Rahimi* which also appeared to reject the argument, without expressly saying so:

> The Court in *Rahimi* affirmed this approach, assuming that Rahimi was protected by the Second Amendment even though he had committed "family violence." As Justice Thomas remarked in his dissent, it was *undisputed* that the Second Amendment applies to Rahimi .... [It] extends to 'the people,' and that that term unambiguously refers to all members of the political community, not an unspecified subset.

Diaz, at 466 (cleaned up).

The Government attempted the same argument in the *Daniel* case:

> From the government's perspective, § 922(g)(1) remains constitutional under Bruen's text and history test because individuals with felony convictions are not protected by the Second Amendment's textual purview. The government argues that Heller demonstrates that felons do not fall within "the people" contemplated by the Second Amendment, and consequently their "right ... to keep and bear Arms" is not infringed by § 922(g)(1)'s prohibition on their firearm possession.

Daniel, 701 F. Supp. At 735. The court there rejected it as well: "The court agrees with defendant that Heller and Bruen did not hold that the Second Amendment categorically protects only law-abiding citizens, despite their repeated use of such qualified language as "law abiding citizens." *Id*.

In short, the circuits are also split regarding the question whether the Second Amendment even applies at all to persons convicted of a felony.

Conclusion

For the foregoing reasons, Petitioner respectfully requests that the Court grant this petition for certiorari.

Dated: 3 February 2025

Respectfully submitted,

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