

No. 24-6996

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IN THE SUPREME COURT OF THE UNITED STATES

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DEONTA DAMON WHEELER, 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 FIFTH CIRCUIT

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MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

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Petitioner contends (Pet. 10-27) 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 on its face. See Pet. 10 (“unconstitutional on its face”); Pet. App. 1 (“facially violates the Second Amendment”). For the reasons set out in the government’s brief in opposition in French v. United States, No. 24-6623, 2025 WL 1426709 (May 19, 2025), that contention does not warrant this Court’s review. See ibid. (denying certiorari). As the government explained in French, the claim that Section 922(g)(1) violates the Second Amendment on

its face plainly lacks merit, and every court of appeals to consider the issue since United States v. Rahimi, 602 U.S. 680 (2024), has determined that the statute has at least some valid applications. See Br. in Opp. at 3-6, French, supra (No. 24-6623).

Moreover, petitioner did not preserve a Second Amendment challenge in the district court. See C.A. Doc. 30, at 4 (Aug. 28, 2024). Throughout the time that Rahimi was pending and after it was decided, this Court has consistently denied petitions for writs of certiorari raising Second Amendment challenges to Section 922(g)(1) when the petitioners have failed to preserve their claims in the lower courts. See, e.g., Trammell v. United States, 145 S. Ct. 561 (2024) (No. 24-5723); Chavez v. United States, 145 S. Ct. 459 (2024) (No. 24-5639); Dorsey v. United States, 145 S. Ct. 457 (2024) (No. 24-5623).

The petition for a writ of certiorari should be denied.\*

Respectfully submitted.

D. JOHN SAUER  
Solicitor General

JUNE 2025

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\* A copy of the government's brief in opposition in French is being served on petitioner. The government waives any further response to the petition for a writ of certiorari unless this Court requests otherwise.