

No. 24-7051

IN THE SUPREME COURT OF THE UNITED STATES

GMERRIO UNDERWOOD, PETITIONER

v.

UNITED STATES OF AMERICA

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

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 unconstitutional”). 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).

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

Respectfully submitted.

D. JOHN SAUER
Solicitor General

JUNE 2025

* A copy of the government's brief 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.