

NO. \_\_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES

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Lance James Talbot,

Petitioner,

v.

United States of America,

Respondent.

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

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**APPENDIX  
TO  
PETITION FOR WRIT OF CERTIORARI**

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2025 WL 485708

Only the Westlaw citation is currently available.

United States Court of Appeals, Tenth Circuit.

UNITED STATES of America, Plaintiff - Appellee,

v.

Lance James TALBOT, Defendant - Appellant.

No. 23-8025

I

FILED February 13, 2025

(D.C. No. 2:22-CR-00116-SWS-1) (D. Wyoming)

**Attorneys and Law Firms**

Jonathan C. Coppom, Assistant U.S. Attorney, U.S. Department of Justice, Cheyenne, WY, David A. Kubichek, Esq., DOJ-United States Attorney's Office, Casper, WY, for Plaintiff - Appellee.

John C. Arceci, Office of the Federal Public Defender, Denver, CO, for Defendant - Appellant.

Before MORITZ, BALDOCK, and MURPHY, Circuit Judges.

**ORDER AND JUDGMENT \***

Michael R. Murphy, Circuit Judge

\*1 After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

This case is submitted to us on remand from the United States Supreme Court. Lance James Talbot was charged with being a felon unlawfully in possession of ammunition, in violation of 18 U.S.C. § 922(g)(1). He moved to dismiss the charge, arguing § 922(g) was unconstitutional, both facially and as applied, under *New York State Rifle & Pistol Ass'n v. Bruen*,

597 U.S. 1 (2022). After the district court denied Talbot's motion, he entered a conditional plea of guilty, Fed. R. Crim. P. 11(a)(2), specifically preserving his right to appeal the denial of his motion to dismiss. On appeal to this court, Talbot conceded his claims of error were foreclosed by this court's then-recent decision in *Vincent v. Garland* ("*Vincent I*"), 80 F.4th 1197, 1202 (10th Cir. 2023), but raised the claim for preservation purposes "pending further developments within the Tenth Circuit or at the Supreme Court." *United States v. Talbot*, No. 23-8025, 2024 WL 2013910, at \*1 (10th Cir. May 7, 2024). This court acknowledged Talbot "preserved the issue in the hope of further review." *Id.* (quotation omitted). Nevertheless, because his claim of error was foreclosed by *Vincent I*, this court affirmed the district court's judgment. *Id.*

Thereafter, the Supreme Court vacated *Vincent I* and remanded the matter for reconsideration in light of *United States v. Rahimi*, 602 U.S. 680 (2024). *Vincent v. Garland* ("*Vincent II*"), 144 S. Ct. 2708, 2708-09 (2024) (mem.). The Court likewise vacated this court's decision in Talbot's appeal and remanded for reconsideration in light of *Rahimi*. *Talbot v. United States*, 24-5258, 2024 WL 4654945, at \*1 (Nov. 4, 2024) (mem.). On February 11, 2025, this court issued a revised opinion on remand. *Vincent v. Bondi* ("*Vincent III*"), No. 21-4121, 2025 WL 453999, at \*1-2 (10th Cir. Feb. 11, 2025). *Vincent III* "readopt[ed]" *Vincent I* and affirmed that § 922(g)(1) is constitutional whether or not the underlying felony leading to disenfranchisement is violent. *Id.* at \*2.

Given all this, this court stands in the same position as when it previously resolved Talbot's appeal: the decision in *Vincent III* forecloses Talbot's facial and as-applied challenges to § 922(g). Thus, the district court's judgment must be affirmed. Nevertheless, we again acknowledge Talbot has preserved these issues in the hope of further developments in either this court or the Supreme Court.

The judgment of the United States District Court for the District of Wyoming is hereby **AFFIRMED**.

**All Citations**

Not Reported in Fed. Rptr., 2025 WL 485708

**Footnotes**

- \* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

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# Supreme Court of the United States

No. 24-5258

LANCE JAMES TALBOT,

Petitioner

v.

UNITED STATES

**ON PETITION FOR WRIT OF CERTIORARI** to the United States Court of Appeals for the Tenth Circuit.

**THIS CAUSE** having been submitted on the petition for writ of certiorari and the response thereto.

**ON CONSIDERATION WHEREOF**, it is ordered and adjudged by this Court that the motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment of the above court in this cause is vacated, and the case is remanded to the United States Court of Appeals for the Tenth Circuit for further consideration in light of *United States v. Rahimi*, 602 U. S. \_\_\_\_ (2024).

November 4, 2024



2024 WL 2013910

Only the Westlaw citation is currently available.

United States Court of Appeals, Tenth Circuit.

UNITED STATES of America, Plaintiff - Appellee,

v.

Lance James TALBOT, Defendant - Appellant.

No. 23-8025

I

FILED May 7, 2024

(D.C. No. 2:22-CR-00116-SWS-1) (D. Wyoming)

#### Attorneys and Law Firms

Jonathan C. Coppom, Assistant U.S. Attorney, U.S. Department of Justice, Cheyenne, WY, for Plaintiff - Appellee.

John C. Arceci, Office of the Federal Public Defender, Denver, CO, for Defendant - Appellant.

Before MORITZ, BALDOCK, and MURPHY, Circuit Judges.

### ORDER AND JUDGMENT \*

Michael R. Murphy, Circuit Judge

\*1 After examining the briefs and appellate record, this panel has determined unanimously to honor the parties' request for a decision on the briefs without oral argument. *See* Fed. R. App. P. 34(f); 10th Cir. R. 34.1(G). The case is therefore submitted without oral argument.

Lance James Talbot was charged with being a felon unlawfully in possession of ammunition, in violation of 18 U.S.C. § 922(g)(1). He moved to dismiss the charge, arguing § 922(g) was unconstitutional, both facially and as applied, under *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022). After the district court denied Talbot's motion, he entered a conditional plea of guilty, Fed. R. Crim. P. 11(a) (2), specifically preserving his right to appeal the denial of his motion to dismiss. The district court sentenced Talbot to a term of imprisonment of fifty-seven months, followed by three years of supervised release.

On appeal, Talbot reasserts *Bruen* renders his § 922(g) conviction unconstitutional. He recognizes, however, that his constitutional challenge is foreclosed by this court's decision in *Vincent v. Garland*, 80 F.4th 1197, 1202 (10th Cir. 2023) (holding that § 922(g) remains constitutional post-*Bruen*). Thus, he merely seeks to preserve his claim pending further developments within the Tenth Circuit or at the Supreme Court. This court acknowledges Talbot "has preserved the issue in the hope of further review." *United States v. Wheeler*, 13 F. App'x 852, 854 (10th Cir. 2001) (unpublished disposition cited solely for its persuasive value) (recognizing appellant preserved issue for possible future review in circumstances similar to those at issue here). Nevertheless, his claim is foreclosed by *Vincent*. Thus, exercising jurisdiction pursuant to 28 U.S.C. § 1291, the judgment entered by the United States District Court for the District of Wyoming is hereby **AFFIRMED**.

#### All Citations

Not Reported in Fed. Rptr., 2024 WL 2013910

### Footnotes

- \* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

FILED



9:03 am, 1/19/23

**Margaret Botkins**  
Clerk of Court

# UNITED STATES DISTRICT COURT FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA

Plaintiff,

vs.

Case Number: 22-CR-116-SWS

LANCE JAMES TALBOT

Interpreter Name

Defendant.

Interp. Phone:

## CRIMINAL MINUTE SHEET ORAL RULING

☒ This Minute Sheet also contains a Minute Order☒ This was a Telephonic Hearing

Date: 01/19/2023 Time: 8:16 - 8:33 a.m.

Scott W. Skavdahl

Kim Blonigen

Megan Strawn

Willie Elliott

Judge

Clerk

Reporter

Law Clerk

U.S. Marshal

U.S. Probation Officer

Attorney(s) for Government Jonathan Coppom

Attorney(s) for Defendant(s) Tracy Hucke

Party	Pleading#	Motion To/For	Disposition
Defendant	27	Dismiss Indictment Under the Second Amendment	Denied

Other:

For the reasons stated on the record, which are incorporated herein by reference, the Court denied Defendant's Motion to Dismiss Indictment Under the Second Amendment.