

No.

In The
SUPREME COURT OF THE UNITED STATES

DEAMONTE LAW,
Petitioner,
v.

UNITED STATES OF AMERICA,
Respondent.

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

PETITION FOR WRIT OF CERTIORARI

July 31, 2025

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QUESTION PRESENTED

This Court’s decisions in *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022) and *United States v. Rahimi*, 602 U.S. 680 (2024), require our district courts to engage in a history-based analysis when deciding whether a firearm regulation is part of the historical tradition that sets the outer boundaries of the right to keep and bear arms. To make this determination, a district court must determine whether the challenger or conduct at issue is protected by the Second Amendment and, if so, whether the Government has presented sufficient historical analogues to justify the restriction.

Here, the Third Circuit addressed Petitioner’s as-applied challenge to the lifetime ban under 18 U.S.C. §922(g)(1). In doing so, it solidified the division amongst our circuit courts on whether that argument can even be made.

The question presented is:

Does the Second Amendment allow for an “as-applied” challenge to the constitutionality of Section 922(g)(1)’s lifetime ban?

PARTIES TO THE PROCEEDINGS

Pursuant to Rule 14.1(b)(i) of this Court's Rules, petitioner submits that there are no parties to the proceeding other than those named in the case caption.

Petitioner, Deamonte Law, was the defendant in the district court and the appellant in the court of appeals.

Respondent, the United States of America, was the plaintiff in the district court and the appellee in the court of appeals.

RELATED PROCEEDINGS

This case arises from and is directly related to the following proceedings in the U.S. District Court for the Western District of Pennsylvania and the U.S. Court of Appeals for the Third Circuit:

United States v. Deamonte Law, No. 2:13-cr-00202-JFC-002 (W.D. Pa.) (May 27, 2015);

United States v. Deamonte Law, No. 2:20-cr-00341-CB (W.D. Pa.) (Aug. 16, 2023);

United States v. Deamonte Law, No. 23-2540 (3d Cir.)(April 2, 2025).

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PETITION FOR WRIT OF CERTIORARI

Petitioner Deamonte Law respectfully petitions for a writ of certiorari to the United States Court of Appeals, Third Circuit in this case.

OPINIONS BELOW

The Third Circuit's opinion is reported at *United States v. Law*, 2025 U.S. App. LEXIS 7670 and 2025 WL 984604 (April 2, 2025) and reproduced at App-1.

The district court's decision denying Law's motion to dismiss the indictment is reported at *United States v. Law*, 2022 U.S. Dist. LEXIS 195465, 2022 WL 17490258 (Oct. 27, 2022). It is reproduced at App-6.

The district court's decision denying Law's motion for reconsideration is reported at *United States v. Law*, 2023 U.S. Dist. LEXIS 140197 and 2023 WL 5176297 (Aug. 11, 2023). The decision is reproduced at App-8.

JURISDICTION

The Third Circuit issued its decision on April 2, 2025. No petition for rehearing was filed. Justice Alito, under Rule 13.5, extended the deadline to file a petition for writ of certiorari to July 31, 2025. *See*, 24A1267 (June 25, 2025).

The United States District Court for the Western District of Pennsylvania had subject matter jurisdiction of this criminal case under 18 United

States Code Section 3231 ("The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States.").

The United States Court of Appeals for the Third Circuit had jurisdiction pursuant to 28 United States Code Section 1291 ("The courts of appeals... shall have jurisdiction of appeals from all final decisions of the district courts of the United States, ...").

This Court has jurisdiction under 28 United States Code Section 1254(1) ("Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods: (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;").

CONSTITUTIONAL & STATUTORY PROVISIONS INVOLVED

The Second Amendment to the United States Constitution and 18 United States Code Section 922(g) are reproduced in the Appendix beginning at App-10.

STATEMENT OF THE CASE

This case is about the constitutionality of an Act of Congress. The material contained here is mindful of that singular predicate.

A. Legal Background

In its seminal decision in *District of Columbia*

v. Heller, this Court held that there is “no doubt … that the Second Amendment confer[s] an individual right to keep and bear arms.” 554 U.S. 570, 595 (2008). While the Court acknowledged that the right is not “unlimited,” it looked to historical restrictions on firearm possession to inform its analysis of the constitutionality of the law at hand. *Id.* at 626-27, 631-34. But the Court left a full-throated exposition of that historical analysis for another day.

Over the next decade, lower courts “coalesced around a ‘two-step’ framework for analyzing Second Amendment challenges that combines history with means-end scrutiny.” *Bruen*, 597 U.S. at 17. But this Court ultimately rejected that approach in *Bruen*, explaining that a “judge-empowering ‘interest balancing inquiry’” would not sufficiently safeguard individuals’ constitutional rights. *Id.* at 22. After all, as *Heller* made clear, “[a] constitutional guarantee subject to future judges’ assessments of its usefulness is no constitutional guarantee at all.” *Id.* at 23 (quoting *Heller*, 554 U.S. at 634). So the Court laid out a more robust constitutional framework steeped in “the Nation’s historical tradition of firearm regulation.” *Id.* at 24. Under that approach, if the regulated conduct is covered by the text of the Second Amendment, then it is presumptively protected, and the burden shifts to the government to justify its regulation. *Id.* To do so, the government must identify historical firearm restrictions that are analogous to the modern challenged regulation in their “how and why”—i.e., the “modern and historical regulations” must “impose a comparable burden on the right of armed self-defense” that “is comparably justified.” *Id.* at 29.

Last year, this Court provided additional guidance on how to implement *Bruen*'s methodology in *United States v. Rahimi*, 602 U.S. 680 (2024). *Rahimi* reiterated that “the appropriate analysis involves considering whether the challenged regulation is consistent with the principles that underpin our regulatory tradition” as evidenced by the government’s proffered historical analogues. *Id.* at 692. This Court clarified that those analogues “need not be a ‘dead ringer’ or a ‘historical twin’” for the challenged regulation. *Id.* But it reiterated that “[w]hy and how the [challenged] regulation burdens the right are central” to the Second Amendment inquiry. *Id.* In other words, the focus remains on whether the challenged regulation “impos[es] similar restrictions for similar reasons.” *Id.* Applying that framework, this Court held that §922(g)(8)(C)(i) is constitutionally sound, as it is grounded in a historical tradition of temporarily disarming individuals who have been found to pose “a credible threat to the physical safety of another.” *Id.* at 702.

In short, as exemplified in *Rahimi*, *Bruen* tasks courts with conducting a categorical comparison of the mechanics of the challenged provision and the government’s historical analogues to assess whether the challenged law passes constitutional muster.

B. Factual Background

(1) District Court Proceedings

An early September day in 2020 brought Deamonte Law to a public housing complex in McKeesport, Pennsylvania. The production of a music video contributed to various people gathering in a

particular parking lot of the Crawford Village apartments. Law was there, along with several others. Unbeknownst to Law and the group, so was law enforcement.

From a distant location, law enforcement was watching. There are surveillance cameras on several apartment buildings. Law enforcement was able to view the live feed from those cameras.

Law enforcement identified Law. They also noticed he had an object on his right hip area. They identified it as a gun. They also identify another person, Mr. Williams. There was an active warrant for Williams. A plan was developed to arrest Williams on that active warrant. The plan took some time to materialize. Finally, four (4) officers got in a car and drive right into the parking lot and screech to a stop. Right there in the path of the headlights and off to the car's right, near the front bumper, is Law. He runs to the police car's right. He appears to be pinning something to his right hip. The officers jump out and focus their attention on Williams who is in front of them. Law is no longer in their sights.

That is until a post-incident review of the cameras. Law enforcement saw Law a few parking spaces to the right of the police car, bend down toward the ground, back up, and then leave the area.

As law enforcement was closing up the scene that evening, a gun was discovered in the very place that Law was seen on the video as bending down and then back up.

On November 12, 2020, the government charged Deamonte Law with possessing a firearm on September 4, 2020, when he was not allowed to because of a prior felony conviction. 18 United States

Code Section 922(g)(1). The prior conviction was from a 2013 federal case from the same courthouse. There Law pled guilty to two drug offenses: possession with intent to distribute crack cocaine and possession of a firearm in furtherance of a drug trafficking crime. On May 27, 2015, he was sentenced to 90 months in jail followed by 3 years of supervised release.

On January 11, 2021, Mr. Law made his initial appearance, and with the assistance of counsel, he entered a not-guilty plea to the single-count *Indictment*. He was detained.

After some extensions of time, a trial date was set. Prior to trial, however, Law moved to dismiss the *Indictment*. He claimed the statute, 18 United States Code Section 922(g)(1), was unconstitutional on its face and as applied to him. After receiving a written argument from the government and a reply from Law, the district court denied the motion on October 27, 2022.

The case proceeded to trial on December 19, 2022. The next day, a jury found him guilty.

The case then progressed towards sentencing. However, on July 3, 2023, Law asked the district court to reconsider its ruling denying his motion to dismiss. After receiving position papers from both sides, the district court denied the renewed request to dismiss. On August 16, 2023, Law was sentenced. His punishment was 46 months in jail followed by 3 years of supervised release.

On August 23, 2024, a *Notice of Appeal* was filed.

(2) Appellate Court Proceedings

In the United States Court of Appeals for the Third Circuit, Law advanced a single argument: Title 18, U.S.C. Section 922(g)(1) violates the Second Amendment when applied to Mr. Law? The tentacles of that argument were as follows: despite his prior conviction, Law is still one of “the people”; the Second Amendment protects the simple act of possession which 922(g)(1) prohibits; and, the government failed to present sufficiently similar regulations to justify the lifetime ban.

In holding that “Law’s possession of a firearm in September 2020 does not offend the Second Amendment” the Third Circuit relied exclusively on its decisions in *United States v. Moore*, 111 F.4th 266 (3d Cir. 2024)¹ and *United States v. Quailes*, 126 F.4th 215 (3d Cir. 2025)².

In *Moore*, the Third Circuit started on the right path. The court had little difficulty concluding that Moore “is one of the ‘people’ whom the Second Amendment presumptively protects” and that “the charge at issue punishes Moore for quintessential Second Amendment conduct: possessing a handgun.” 111 F.4th at 269. It also explained, correctly, that under *Bruen* and *Rahimi*, the government “bears the

¹ Mr. Moore sought review with this Court on March 7, 2025. *See*, 24-968. On June 30, 2025, this Court denied Moore’s petition. *Moore v. United States*, 2025 U.S. LEXIS 2611 (U.S.. June 30, 2025).

² The petitioner in *Quailes* sought review with this Court on April 14, 2025. *See*, 24-7033. *Quailes* along with many other 922(g) centric cases are listed for conference on September 29, 2025.

burden of justifying [the] regulation” it seeks to enforce. *Id.*, at f.n. 2. The panel also reiterated that, “[a]s compared to its historical analogue, [the] modern regulation [at issue] must ‘impose a comparable burden . . . , and . . . that burden [must be] comparably justified.’” *Id.* (quoting *Bruen*, 597 U.S. at 29) (final brackets in original).

Despite clearly and correctly identifying its doctrinal responsibility under *Bruen* and *Rahimi*, the Third Circuit proceeded to depart from that task. Rather than address whether depriving someone of the right to possess a firearm based on Moore’s past felony convictions “impose[s] a comparable burden” to the government’s historical analogues that is “comparably justified,” the court assessed whether historical analogues support dispossessing a criminal defendant who is serving a term of supervised release. *Id.* While Moore pointed out that his supervised-release status “c[ould not] support his felon-in-possession conviction” because that is not one of “the predicate offenses that made him a felon”, *Id.*, at 272, the Third Circuit disagreed. In its view, it was not confined to asking whether the law at hand is constitutional as applied to Moore, but rather could consider any “fact[s] that [it] deem[ed] constitutionally relevant”—i.e., whether there is any basis that might justify disarming Moore, whether tied to the law of conviction at issue or not. *Id.*, at 273. And, according to the court, “the tradition of forfeiture laws, which temporarily disarmed convicts while they completed their sentences,” sufficed “[t]o justify disarming Moore while he was on supervised release.” *Id.*, at 269-272 (discussing Founding-era forfeiture laws). Thus, in the Third Circuit’s view, the actual

“predicate offenses alleged in the indictment”—and whether the government had established a historical tradition of disarming individuals based on similar offenses— were beside the point; the only “fact ... constitutionally relevant” was that “Moore was on supervised release when he possessed the firearm.” *Id.*, at 273.

The Court’s decision was docketed on April 2, 2025. After an extension of time was granted, this petition was timely filed.

REASONS FOR GRANTING THE WRIT

Right now, geography is the fulcrum of one’s ability to exercise their Second Amendment right. It should not be that way.

Following this Court’s decision in *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1 (2022) and *United States v. Rahimi*, 602 U.S. 680 (2024), the circuit courts became the battlefield to address the fallout. One such issue was whether an Act of Congress – Section 922(g)(1) – could be challenged on an “as-applied” theory. In other words, could the circumstances associated with one’s criminal past be judicially considered and, possibly, override the statute’s lifetime ban. Our Courts of Appeals are not unified on that front.

A categorical ban on felons possessing firearms is the law in five (5) of our U.S. Courts of Appeals.

The Fourth³, Eighth⁴, Ninth⁵, Tenth⁶, and Eleventh⁷ Circuits have determined that neither *Bruen* nor *Rahimi* disturb the legality of Section 922(g)(1)'s lifetime ban on all felons possessing firearms.

Looking at some other circuits shows the clear divide that exists. In *United States v. Diaz*, 116 F.4th 458, 471 (5th Cir. 2024), the Fifth Circuit rejected an “as-applied” challenge because the defendant’s underlying felony was sufficiently similar to death-eligible felony at the founding. The Sixth Circuit has reviewed an “as-applied” argument and concluded the defendant’s criminal record sufficiently showed that he was dangerous enough to warrant disarmament. *United States v. Williams*, 113 F.4th 637 (6th Cir. 2024). Then, there is the Third Circuit. In *Range v. AG, United States*, 124 F.4th 218, 222-23 (3d Cir. 2024)(*en banc*), the Court of Appeals held that the Second Amendment entitles a person subject to Section 922(g)(1) to file a declaratory judgment action where the government must make a showing that the “our Republic has a longstanding history and tradition of depriving people like [the plaintiff] of their firearms.” *Id.*, at 232. Because the plaintiff’s only felony conviction was for making a false statement to obtain food stamps, a nondangerous offense, the court determined that the Second

³ *United States v. Hunt*, 123 F.4th 697 (4th Cir. 2024), *cert. denied*, 2025 U.S. LEXIS 2146 (U.S. June 2, 2025).

⁴ *United States v. Jackson*, 110 F.4th 1120 (8th Cir. 2024), *cert. denied*, 2025 U.S. LEXIS 1969 (U.S. May 19, 2025).

⁵ *United States v. Duarte*, 2025 U.S. App. LEXIS 11255 (9th Cir. 2025).

⁶ *Vincent v. Bondi*, 127 F.4th 1263 (10th Cir. 2025).

⁷ *United States v. Dubois*, 137 F.4th 743 (11th Cir. 2025).

Amendment barred the government from using 922(g)(1) to disarm him. *Id.*

Contributing to this schism are decisions from the First, Second and Seventh Circuits. The First and Second Circuits have declined to address constitutional challenges to Section 922(g)(1) on the merits. *See, United States v. Langston*, 110 F.4th 408, 419-20 (1st Cir. 2024)(Court rejects an “as-applied” challenge because there was no “plain” error), *cert. denied*, 2024 U.S. LEXIS 4720 (U.S. 2024) and *United States v. Caves*, 2024 U.S. App. LEXIS 32678 (2d Cir. 2024), *cert. denied*, 2025 U.S. LEXIS 1614 (U.S. 2025)(same). The Seventh Circuit acknowledged that there may be “*some* room for as-applied challenges,” but did not identify any rules or guidelines for a successful challenge. *United States v. Gay*, 98 F.4th 843, 846 (7th Cir. 2024). Instead, the Court focused on *Bruen*’s “law-abiding, responsible citizens” language, and found that the defendant’s conduct and criminal history showed he was not a “law-abiding, responsible citizen” who had a constitutional right to possess firearms. *Id.*, at 847.

Every Circuit Court of Appeals has authored an opinion on this topic. Five do not allow for an “as-applied” challenge. Three others, and possibly a fourth, allow for judicial review of one’s criminal history to determine if the statute’s lifetime prohibition must yield to the Second Amendment. The “as-applied” conflict is real. The numbers tell us that. The conflict is deep. “[P]erhaps no single Second Amendment issue has divided the lower courts more than the constitutionality of the 18 U.S.C. § 922(g)(1) felon-disarmament rule’s application to certain

nonviolent felons.”⁸ The conflict deserves this Court’s time and attention.

CONCLUSION

For the reasons set forth here, this Court should grant the petition for certiorari.

Respectfully submitted,

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⁸ *United States v. Duarte*, 108 F.4th 786, 787 (9th Cir. 2024) (VANDYKE, Circuit Judge, dissenting from the grant of rehearing en banc).

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Appendix A

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT

No. 23-2540

UNITED STATES OF AMERICA,

v.

DEAMONTE LAW,

Appellant

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. No. 2:20-cr-00341-001)
District Judge: Honorable Cathy Bissoon

Submitted pursuant to Third Circuit L.A.R. 34.1(a)
March 27, 2025

Before: BIBAS, PHILLIPS, and AMBRO,
Circuit Judges
(Filed: April 2, 2025)

OPINION*

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

PHIPPS, *Circuit Judge.*

Section 922(g)(1) of Title 18 of the United States Code prohibits felons from possessing firearms or ammunition that have passed through interstate commerce:

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.

18 U.S.C. § 922(g)(1).

In August 2013, Deamonte Law was arrested and temporarily detained on three counts for violating federal drug and gun laws. And as part of a plea agreement, Law pleaded guilty in February 2015 to charges of conspiracy to possess with intent to distribute a quantity of cocaine base, *see* 21 U.S.C. § 846, and possession of a firearm in furtherance of a drug trafficking crime, *see* 18 U.S.C. § 924(c)(1)(A)(i). Because both offenses were punishable by over a year's imprisonment, he was thereafter subject to the prohibitions of § 922(g)(1).

In September 2020, Law lived at a halfway house in Pittsburgh as he was completing the sentence he received for those crimes – 90 months in prison (inclusive of time served) followed by a three-year term of supervised release. The Friday before

Labor Day, he went to the Crawford Village public housing project in nearby McKeesport to attend a video shoot for an amateur rapper. Police were surveilling the event through the complex's security cameras in search of another man, who was wanted on an arrest warrant and who announced on social media that he would be in attendance as the organizer of the video shoot. In the process of locating and arresting that other man, the officers noticed that Law ran off with his hand on his right hip, suggesting he was holding something. The surveillance videos showed Law duck beneath an SUV and discard an item in the same parking spot from which officers later recovered a Smith and Wesson M&P Shield .40 caliber pistol in the aftermath of the other man's arrest. A federal grand jury later indicted Law on one count of being a felon in possession of a firearm in violation of § 922(g)(1).

Law disputed that charge both legally and factually. Before trial, citing *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1 (2022), he moved to dismiss the indictment on the ground that § 922(g)(1) was unconstitutional, facially and as applied to him. *See* Fed. R. Crim. P. 12(b)(3)(B). The District Court denied that motion. Although Law did not testify at trial, his possession of the handgun was the only issue before the jury, and he disputed that fact. The jury, however, returned a guilty verdict. After the trial, Law sought reconsideration of his motion, in particular to revisit his as-applied challenge in light of this Court's intervening decision in *Range v. Att'y Gen.*, 69 F.4th 96 (3d Cir. 2023)(en banc), *vacated sub nom. Garland v. Range*, 144 S. Ct. 2706 (2024). The District Court denied that motion.

Through a timely notice of appeal, Law invoked the appellate jurisdiction of this Court, and he now argues that applying § 922(g)(1) to him under these circumstances violates the Second Amendment. *See* 28 U.S.C. §1291.¹

The problem for Law is that he was still under a criminal sentence when he possessed a firearm. And this Court has recognized that the Second Amendment permits the disarming of convicts in that circumstance. *See United States v. Moore*, 111 F.4th 266, 271-272 93d Cir. 2024) (explaining that at the Founding, “[c]onvicts could be required to forfeit their weapons and were prevented from reacquiring firearms until they had finished serving their sentences” and “hold[ing] that convicts may be disarmed while serving their sentences on supervised release”); *see also United States v. Quailes*, 126 F.4th 215, 223 (3d Cir. 2025) (holding that felons on probation may be disarmed while serving their terms). Thus, the application of § 922(g)(1) to Law’s possession of a firearm in September 2020 does not

¹ The parties disagree whether Law preserved his as-applied challenge. If Law did preserve it, the District Court’s legal conclusions would be reviewed *de novo*, and its factual determinations for clear error. *See United States v. Stock*, 728 F.3d 287, 291 (3d Cir. 2013). If Law, did not preserve his challenge, but instead forfeited it, it would be reviewed for plain error. *See* Fed. R. Crim. P. 52(b); *United States v. Olano*, 507 U.S. 725, 732 (1993); *United States v. Williams*, 974 F.3d 320, 340-341 (3d Cir. 2020). Either way, because plain error’s first step, evaluating whether an error occurred, “uses the standard of review that would have applied had the argument been preserved,” Law must demonstrate that the District Court made an error of law concluding that § 922(g)(1) is constitutional as applied to him. *United States v. Adair*, 38 F.4th 341, 356 (3d Cir. 2022).

offend the Second Amendment. Accordingly, we will affirm the judgement of the District Court.

Appendix B

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
PENNSYLVANIA**

UNITED STATES OF)
AMERICA)
)
 v.) Criminal No. 20-341
)
)
DEAMONTE LAW,) Judge Cathy Bissoon
 Defendant)

ORDER

Defendant's Motion (Doc. 88) for reconsideration will be denied. Reconsideration is an extraordinary remedy, used sparingly given the interests of finality and conservation of judicial resources. *U.S. v. Tablack*, 2022 WL 37428, *2 (D. N.J. Jan. 4, 2022) (citation to quoted source omitted). Concerns regarding finality are only sharpened here, in light of Defendant's conviction by a jury.

In order to avail himself of such extraordinary relief, Defendant is required to show an intervening change in controlling law, the need to correct clear error or prevent manifest injustice. *Tablack* at *2 (citation to binding and other authority omitted). To the extent that Defendant seeks reconsideration for any reason other than the decision in *Range v. Att'y Gen.*, the Court rejects his position.

As for *Range* itself, the Court disagrees that the decision warrants reconsideration. Defendant previously failed to raise a meaningful "as applied" challenge. Assuming that he now properly may do so,

the *Range* ruling, by its own terms, “is a narrow one.” *Range*, 69 F.4th 96, 106 (3d Cir. 2023). And the predicate crime addressed in *Range* is clearly and facially distinguishable. *Compare id.* at 98 (addressing the state crime of making a false statement to obtain food stamps, as applied to that defendant) *with* Gov’t’s Resp. in Opp’n (Doc 91) (summarizing the prohibitions on Defendant’s possession of a firearm, including possession while under a federal criminal justice sentence, and his prior convictions, which included possessing a firearm in furtherance of a drug trafficking crime).¹

For these reasons, and for the others stated in the government’s opposition, Defendant’s Motion for Reconsideration (**Doc. 88**) is **DENIED**.

IT IS SO ORDERED.

August 11, 2023 s\Cathy Bissoon
 Cathy Bissoon
 United States District Judge

cc (via ECF email notification):

All Counsel of Record

¹ To the extent that the Defendant’s Motion may be viewed as presenting a facial challenge, his arguments are rejected for the same reasons stated by the government. *See* Doc. 91 at 15-16.

Appendix C

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
PENNSYLVANIA**

UNITED STATES OF)
AMERICA)
)
 v.) Criminal No. 20-341
)
)
DEAMONTE LAW,) Judge Cathy Bissoon
 Defendant)

ORDER

Defendant's Motion (Doc. 50) to Dismiss his charge under 18. U.S.C. § 922(g)(1), based on *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (Jun. 23, 2022), will be denied. This Court joins the legion of others, from around the country, rejecting constitutional challenges to Section 922(g)(1) under *Bruen*. The District Court for the Middle District of Pennsylvania, in *U.S. v Minter*, 2022 WL 10662252 (M.D. Pa. Oct. 18, 2022), recently provided a concise, but thorough, summary of the appropriate analyses, and it cites many of the other decisions reaching the same conclusion. This Court will not attempt to improve on the reasoning in *Minter*, and that court's analyses are incorporated by reference.

Although Defendant makes passing reference to an "as applied" challenge, to the extent that one still exists, he has made no effort to demonstrate why one would be appropriate in this case. *See Minter* at *7 n.9 (holding same under analogous circumstances).

Accordingly, Defendant's Motion (**Doc. 50**) to Dismiss is **DENIED**. This case otherwise being trial-ready, and consistent with the previous Final Pretrial Order (**Doc. 44**), the Court will schedule a two-day trial, to commence **December 21, 2022**. Contemporaneously herewith, the Court will enter an amended pretrial order resetting the unexpired/remaining deadlines in the original FPTO.

IT IS SO ORDERED.

October 27, 2022 s\Cathy Bissoon
 Cathy Bissoon
 United States District Judge

cc (via ECF email notification):

All Counsel of Record

Appendix D

**CONSTITUTIONAL AND STATUTORY
PROVISIONS**

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.

18 U.S.C. §922(g)

(g) It shall be unlawful for any person—

- (1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
- (2) who is a fugitive from justice;
- (3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));
- (4) who has been adjudicated as a mental defective or who has been committed to a mental institution;
- (5) who, being an alien—
 - (A) is illegally or unlawfully in the United States; or
 - (B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));
- (6) who has been discharged from the Armed Forces under dishonorable conditions;

- (7) who, having been a citizen of the United States, has renounced his citizenship;
- (8) who is subject to a court order that—
 - (A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;
 - (B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
 - (C) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or
- (9) who has been convicted in any court of a misdemeanor crime of domestic violence, 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.