

IN THE
SUPREME COURT OF THE UNITED STATES

Farris v. United States of America

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

ATTACHMENT A

2025 WL 1078234

Only the Westlaw citation is currently available.

United States Court of Appeals, Tenth Circuit.

UNITED STATES of America, Plaintiff - Appellee,

v.

Maurice FARRIS, Defendant - Appellant.

No. 22-1412

I

FILED April 10, 2025

(D.C. No. 1:22-CR-00149-RM-1) (D. Colorado)

Attorneys and Law Firms

Elizabeth Ford Milani, Office of the United States Attorney,
Denver, CO, for Plaintiff - Appellee.

Leah Deborah Yaffe, Office of the Federal Public Defender,
Denver, CO, for Defendant - Appellant.

Before MATHESON and EID, Circuit Judges. * , 1

ORDER AND JUDGMENT**

Per Curiam

***1** On May 4, 2022, a federal grand jury indicted Defendant Maurice Farris on a single count of being a felon in possession of a firearm, in violation of § 922(g)(1). Farris moved to dismiss the indictment, arguing that the Supreme Court's decision in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022), “marked a dramatic shift in Second Amendment law” and effectively overruled *United States v. McCane*, 573 F.3d 1037 (10th Cir. 2009), in which we held that § 922(g)(1) does not violate the Second Amendment.

After the district court denied Farris's motion to dismiss, Farris pleaded guilty to the single charge alleged in the

indictment. On November 18, 2022, the district court sentenced Farris to a term of imprisonment of thirty-seven months, to be followed by a three-year term of supervised release. The district court entered judgment that same day. Farris thereafter filed a timely notice of appeal.

On appeal, Farris continued to argue that *Bruen* rendered § 922(g)(1) unconstitutional. However, after Farris filed his appeal a panel of this court addressed and rejected the very same argument. *See Vincent v. Garland*, 80 F.4th 1197, 1202 (10th Cir. 2023) (concluding that *Bruen* did not abrogate *McCane*, which rejected Second Amendment and Commerce Clause challenges to § 922(g)(1)). As a result, Farris agreed that his constitutional challenge to § 922(g)(1) was foreclosed by *Vincent* and *McCane*, and he acquiesced to summary affirmance of the district court's judgment. Exercising jurisdiction under 28 U.S.C. § 1291, we affirmed the judgment of the district court. *United States v. Farris*, 2024 WL 159939, at *2 (10th Cir. Jan. 16, 2024).

On July 2, 2024, the Supreme Court vacated our judgment in *Vincent* and remanded for further consideration in light of *United States v. Rahimi*, 602 U.S. 680 (2024). *See Vincent v. Garland*, 144 S. Ct. 2708 (2024) (mem.). On October 7, 2024, the Supreme Court likewise vacated our judgment in this case and remanded for further consideration in light of *Rahimi. Farris v. United States*, 145 S. Ct. 122 (2024) (mem.). On remand in *Vincent*, we concluded that *McCane* remains binding after *Rahimi*, and we readopted our prior opinion. *Vincent v. Bondi*, 127 F.4th 1263, 1266 (10th Cir. 2025) (“*Vincent II*”).

Given *Vincent II*'s holding that *McCane* remains binding, Farris's constitutional challenge to § 922(g)(1) continues to be foreclosed by our precedent. Accordingly, the judgment of the district court is **AFFIRMED**.

All Citations

Not Reported in Fed. Rptr., 2025 WL 1078234

Footnotes

- * 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.
- 1 The Honorable Mary Beck Briscoe participated in this appeal but not in this Order and Judgment. The practice of this court permits the remaining two panel judges, if in agreement, to act as a quorum in resolving the appeal. See *United States v. Holcomb*, 853 F.3d 1098, 1099 n.** (10th Cir. 2017) (first citing 28 U.S.C. § 46(d) (2012); then citing *United States v. Wiles*, 106 F.3d 1516, 1516, at n* (10th Cir. 1997)).
- ** 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.

End of Document

© 2025 Thomson Reuters. No claim to original U.S. Government Works.