
NO. _____

IN THE

Supreme Court of the United States

_____ TERM, 20__

Brandon Allen Haynes - Petitioner,

vs.

United States of America - Respondent.

APPENDIX TO PETITIONER'S APPLICATION FOR EXTENSION OF TIME
WITHIN WHICH TO FILE FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

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United States Court of Appeals
For the Eighth Circuit

No. 24-1242

United States of America

Plaintiff - Appellee

v.

Brandon Allen Haynes

Defendant - Appellant

Appeal from United States District Court
for the Southern District of Iowa - Eastern

Submitted: February 10, 2025

Filed: May 1, 2025

[Unpublished]

Before LOKEN, BENTON, and STRAS, Circuit Judges.

PER CURIAM.

Brandon Haynes pleaded guilty to unlawfully possessing a firearm and ammunition, *see* 18 U.S.C. §§ 922(g)(1), 924(a)(8), after the district court¹ denied his motion to dismiss the indictment. On appeal, he argues that the felon-in-

¹The Honorable Rebecca Goodgame Ebinger, United States District Judge for the Southern District of Iowa.

possession statute violates the Second Amendment, both facially and as applied to him. Circuit precedent forecloses both arguments, so we affirm. *See Mader v. United States*, 654 F.3d 794, 800 (8th Cir. 2011) (en banc) (“It is a cardinal rule in our circuit that one panel is bound by the decision of a prior panel.” (citation omitted)).

Under federal law, felons like Haynes cannot possess firearms. *See* 18 U.S.C. § 922(g)(1) (disarming those “who ha[ve] been convicted” of “a crime punishable by imprisonment for a term exceeding one year”). In two recent cases, we held that this prohibition is constitutional, regardless of the facts of the crime itself, the nature of the underlying felony, or the defendant’s history.² *See United States v. Cunningham*, 114 F.4th 671, 675 (8th Cir. 2024) (concluding that it is facially constitutional); *United States v. Jackson*, 110 F.4th 1120, 1125 (8th Cir. 2024) (cutting off as-applied challenges too). To the extent Haynes disagrees with either decision, his remedy lies with the en banc court, not with us. *See Liberty Mut. Ins. Co. v. Elgin Warehouse & Equip.*, 4 F.3d 567, 571 (8th Cir. 1993) (“In this circuit only an en banc court may overrule a panel decision.”). We accordingly affirm the judgment of the district court.

²Even if Haynes could bring an as-applied challenge, *cf. United States v. Veasley*, 98 F.4th 906, 909 (8th Cir. 2024), it would not succeed. When officers stopped him, he threatened to fight them while he “aggressively” stabbed the dashboard of his car with a knife. Once in jail, he had to be forcefully put into a straitjacket after making “repeated physical advances” and telling the officers he would kill them “next time.” Add his lengthy criminal history, and it is safe to say that Haynes “pose[s] a credible threat to the physical safety of others.” *United States v. Rahimi*, 602 U.S. 680, 693 (2024); *see United States v. Jackson*, 85 F.4th 468, 470–72 (8th Cir. 2023) (Stras, J., dissenting from denial of reh’g en banc) (explaining that, based on Founding-era history, the government can strip “dangerous” individuals of their firearms).

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 24-1242

United States of America

Plaintiff - Appellee

v.

Brandon Allen Haynes

Defendant - Appellant

Appeal from U.S. District Court for the Southern District of Iowa - Eastern
(3:23-cr-00025-RGE-1)

JUDGMENT

Before LOKEN, BENTON, and STRAS, Circuit Judges.

This appeal from the United States District Court was submitted on the record of the district court and briefs of the parties.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in accordance with the opinion of this Court.

May 01, 2025

Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

Revision of Part V of the Eighth Circuit Plan to Implement the Criminal Justice Act of 1964.

V. Duty of Counsel as to Panel Rehearing, Rehearing En Banc, and Certiorari

Where the decision of the court of appeals is adverse to the defendant in whole or in part, the duty of counsel on appeal extends to (1) advising the defendant of the right to file a petition for panel rehearing and a petition for rehearing en banc in the court of appeals and a petition for writ of certiorari in the Supreme Court of the United States, and (2) informing the defendant of counsel's opinion as to the merit and likelihood of the success of those petitions. If the defendant requests that counsel file any of those petitions, counsel must file the petition if counsel determines that there are reasonable grounds to believe that the petition would satisfy the standards of Federal Rule of Appellate Procedure 40, Federal Rule of Appellate Procedure 35(a) or Supreme Court Rule 10, as applicable. *See Austin v. United States*, 513 U.S. 5 (1994) (per curiam); 8th Cir. R. 35A.

If counsel declines to file a petition for panel rehearing or rehearing en banc requested by the defendant based upon counsel's determination that there are not reasonable grounds to do so, counsel must so inform the court and must file a written motion to withdraw. The motion to withdraw must be filed on or before the due date for a petition for rehearing, must certify that counsel has advised the defendant of the procedures for filing *pro se* a timely petition for rehearing, and must request an extension of time of 28 days within which to file *pro se* a petition for rehearing. The motion also must certify that counsel has advised the defendant of the procedures for filing *pro se* a timely petition for writ of certiorari.

If counsel declines to file a petition for writ of certiorari requested by the defendant based on counsel's determination that there are not reasonable grounds to do so, counsel must so inform the court and must file a written motion to withdraw. The motion must certify that counsel has advised the defendant of the procedures for filing *pro se* a timely petition for writ of certiorari.

A motion to withdraw must be accompanied by counsel's certification that a copy of the motion was furnished to the defendant and to the United States.

Where counsel is granted leave to withdraw pursuant to the procedures of *Anders v. California*, 386 U.S. 738 (1967), and *Penson v. Ohio*, 488 U.S. 75 (1988), counsel's duty of representation is completed, and the clerk's letter transmitting the decision of the court will notify the defendant of the procedures for filing *pro se* a timely petition for panel rehearing, a timely petition for rehearing en banc, and a timely petition for writ of certiorari.