

No. 24-6569

IN THE SUPREME COURT OF THE UNITED STATES

DERRICK FITZGERALD DIAL, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 6-17) 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. In United States v. Rahimi, 602 U.S. 680 (2024), this Court clarified the methodology for determining whether a firearms regulation complies with the Second Amendment. Since issuing that decision, the Court has granted certiorari in multiple cases presenting the question whether Section 922(g)(1) violates the Second Amendment, vacated the decisions below, and remanded for further consideration in light of Rahimi. See, e.g., Canada v.

United States, 145 S. Ct. 432 (2024) (No. 24-5391); Hoelt v. United States, 145 S. Ct. 431 (2024) (No. 24-5406); Talbot v. United States, 145 S. Ct. 430 (2024) (No. 24-5258).

The court of appeals issued its decision in this case after Rahimi. But the court explained that it was bound by its decision in United States v. Dubois, 94 F.4th 1284 (11th Cir. 2024), see Pet. App. 5-6, which this Court has vacated and remanded in light of Rahimi, see Dubois v. United States, No. 24-5744, 2025 WL 76413 (Jan. 13, 2025). Vacatur and remand is thus warranted here as well. See Rambo v. United States, No. 24-6107, 2025 WL 581574 (Feb. 24, 2025) (vacating and remanding judgment that was issued after Rahimi but that rested on Dubois).*

Respectfully submitted.

D. JOHN SAUER
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APRIL 2025

* The government waives any further response to the petition for a writ of certiorari unless this Court requests otherwise.