

No. 24-6892

IN THE SUPREME COURT OF THE UNITED STATES

JOHNATHAN ANTON WILLIAMS, 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

D. JOHN SAUER
Solicitor General
Counsel of Record
Department of Justice
Washington, D.C. 20530-0001
SupremeCtBriefs@usdoj.gov
(202) 514-2217

IN THE SUPREME COURT OF THE UNITED STATES

No. 24-6892

JOHNATHAN ANTON WILLIAMS, 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

Petitioner contends (Pet. 9-16) 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); Hoeft 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. A1, at 4-5, 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 are thus warranted here as well. See, e.g., 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).

Petitioner separately renews his contention (Pet. 16-17) that 18 U.S.C. 922(g)(1), which prohibits convicted felons from possessing firearms “in or affecting commerce,” exceeds Congress’s authority under the Commerce Clause, U.S. Const. Art. I, § 8, Cl. 3. But because vacatur and remand are warranted in light of Rahimi anyway, this Court need not consider petitioner’s Commerce Clause challenge at this time. If the court of appeals holds on remand that Section 922(g)(1) violates the Second Amendment as applied to petitioner, petitioner’s Commerce Clause challenge could become moot. And if the court again rejects petitioner’s Second Amendment challenge, petitioner could present both his Second Amendment claim and his Commerce Clause claim in a single petition for a writ of certiorari. See Major League Baseball Players Ass’n v.

Garvey, 532 U.S. 504, 508 n.1 (2001) (per curiam) (“[W]e have authority to consider questions determined in earlier stages of the litigation where certiorari is sought from the most recent of the judgments of the Court of Appeals.”).

In any event, the contention that Section 922(g)(1) exceeds Congress’s Commerce Clause power on its face or as applied to this case does not warrant this Court’s review. Petitioner possessed two loaded handguns in his car alongside methamphetamine and two digital scales, and he later stipulated that he possessed one of the firearms to further and protect his drug distribution. See D. Ct. Doc. 46, at 2-4 (Apr. 19, 2023). This Court has held that the Commerce Clause empowers Congress to regulate even “the purely intrastate” “possession” of controlled substances. Taylor v. United States, 579 U.S. 301, 303 (2016); see Gonzales v. Raich, 545 U.S. 1, 22 (2005). Punishing the possession of a firearm in the course of drug distribution is even more clearly within Congress’s authority.*

Respectfully submitted.

D. JOHN SAUER
Solicitor General

MAY 2025

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