ORIGINAL

No. 25-1036

In the Supreme Court of the United States

ANTHONY A. BROWNE,

Petitioner,

v.

KIMBERLY K. REYNOLDS,
in her official capacity as Governor of Iowa, et al.,

Respondents.

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

PETITION FOR WRIT OF CERTIORARI

ANTHONY A. BROWNE
P.O. BOX 66
IOWA CITY, IOWA, 52244
(319) 541-2149
anthony.browne@live.com

Petitioner, Pro Se

February 25th, 2026

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QUESTION PRESENTED

Whether Iowa Code § 914.7 (2026) entitled "[r]ights not restorable" infringes the Petitioner's right to keep and bear arms enshrined by the Second and Fourteenth Amendments—s*uspended* upon the Petitioner's 1991 convictions under Iowa law for Willful Injury, a forcible felony, and Criminal Gang Participation—by barring him from having that right *restored for life.*

PARTIES TO THE PROCEEDING

The Petitioner Anthony A. Browne, a resident of Johnson County, Iowa, was Plaintiff before the District Court for the Southern District of Iowa and was Plaintiff-Appellant in the Court of Appeals for the Eighth Circuit.

The Respondents are Kimberly K. Reynolds, in her official capacity as Governor of Iowa, and Brad Kunkel, in his official capacity as Sheriff of Johnson County, Iowa. Governor Reynolds and Sheriff Kunkel were Defendants before the District Court for the Southern District of Iowa and were Defendants-Appellees in the Court of Appeals for the Eighth Circuit.

No corporate parties are involved in this case.

STATEMENT OF RELATED PROCEEDINGS

This case arises from the following proceedings:

- *Browne v. Reynolds, et al.*,
  Case No. EQCV084562 Johnson County, Iowa
- *Browne v. Reynolds, et al.*,
  Case No. 3:23-cv-00053 (Apr. 30th, 2024)
- *Browne v. Reynolds, et al.*, 150 F.4th 975
  (8th Cir.) No. 24-1952 (Sept. 2nd, 2025)

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PETITION FOR WRIT OF CERTIORARI

This Court should grant review to provide much needed guidance regarding the standards governing the *restoration* of the right to keep and bear arms when that right has been *suspended* due to a felony conviction. Absent this Court's intervention, the Second Amendment rights of millions of Americans, including the Petitioner, will remain subject to ongoing and unjustified infringement.

The history and tradition of this Nation, most fully and persuasively articulated by Judge Thapar in the widely respected panel decision in *US v. Williams*, 113 F.4th 637 (6th Cir. 2024), demonstrate that when a legislature disarms individuals on a class-wide basis, those affected must retain a reasonable opportunity to show that they do not, in fact, fit the underlying class-wide generalization. *Id.* at 661. As Judge Thapar explained, that constitutional requirement may be satisfied either through an executive determination or through judicial review of an as applied challenge. *Id.* Judge Thapar further recognized that, where the right to keep and bear arms is suspended based on a violent felony conviction, a critical and unresolved question persists: whether inclusion within that category alone is dispositive of a *permanent* deprivation of the right. *Id.* at 658. As *Williams* candidly acknowledges, that question remains unsettled. *Id.* The Petitioner respectfully urges this Court to resolve that issue and to provide much-needed national guidance on this important constitutional question.

It is beyond dispute that, historically, this Nation did not differentiate between violent and

nonviolent criminal convictions when determining whether to suspend an individual's firearm rights, notwithstanding more recent twentieth- and twenty-first-century public discourse to the contrary. The first legislative efforts to draw such a distinction emerged only in the modern era, initially with the Federal Firearms Act of 1938 addressing forcible felony convictions, and later with the Act to Strengthen the Federal Firearms Act of 1961 and the Gun Control Act of 1968 extending restrictions to nonforcible felony convictions. *US v. Jackson*, 85 F.4th 468 at 472 (8th Cir. 2023) (*en banc* denial). This relatively recent legislative history, standing alone, cannot sustain the breadth of contemporary felon-in-possession regimes. *Id.* There is broad agreement that felon-in-possession laws, whether state or federal, facially comport with the Second Amendment insofar as they suspend the right to keep and bear arms upon sufficient criminal cause. The genuine nationwide disagreement, and the question this Court must resolve, is when the Second Amendment requires that such a suspension be *restored*, consistent with this Nation's historical tradition. Accordingly, this Court should grant certiorari to define the constitutional standards governing *restoration* of the right to keep and bear arms following *any* felony conviction. That is, and has always been, the central issue facing the Nation.

This problem affects more than just the Petitioner. There are many other Americans with forcible felonies from the distant past who are now law-abiding responsible citizens. Even Jelly Roll,

whose very public redemption[1] demonstrates that the restoration of his right to keep and bears arms is warranted, cannot have his gun rights restored, even though Governor Lee granted him a full and unconditional pardon on December 18th, 2025. Tenn. Code Ann. §§ 40-29-103(e)(1)(B) and (2)(A)(i) (2026). It should be noted that the effective date of Tenn. Code Ann. §§ 40-29-103(e)(1)(B) and (2)(A)(i) was July 1st, 2025, making Tennessee the fourth state, including Iowa, to bar those with forcible felony convictions, even multiple decades old, from *restoration for life*[2]. Without this Court's intervention, the list of states is certain to grow, widening the reach of this unyielding practice nationwide. This Court should grant certiorari to address the issue of restoration of gun rights after lawful suspension by felony conviction, as they apply to millions of Americans and will continue to do so into the distant future.

While the Department of Justice's effort to reestablish relief under 18 U.S.C. § 925(c) at the federal level represents a commendable attempt to address this longstanding and intractable problem, the proposal is beset by substantial and incurable deficiencies. *Application for Relief From Disabilities Imposed by Federal Laws With Respect to the Acquisition, Receipt, Transfer, Shipment, Transportation, or Possession of Firearms*, 90 Fed.

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[1] Jelly Roll says lifelong gun ban as a felon should have 'path to redemption,' wants his right to hunt back, Published December 10th, 2025, 7:42pm EST, https://perma.cc/3ECA-UABW (last visited February 20th, 2026)

[2] *See*: Iowa Code § 914.7 (2026); 21 Okla. Stat. Ann. § 1283(B) (2026); Ark Code. Ann. § 5-73-103(d)(1) and (2) (2026); Tenn. Code Ann. §§ 40-29-103(e)(1)(B) and (2)(A)(i) (2026).

Reg. 34,394, 34,402 (July 22nd, 2025). Moreover, the Department's suggestion that the problem "may evaporate" upon reactivation of § 925(c) finds no support in the Second Amendment or in this Nation's historical tradition. First, § 925(c) has long been a political football, vulnerable to shifting congressional priorities. *US v. Bean*, 537 U.S. 71 at 78 (2002). Even assuming full reinstatement, an outcome far from assured, the program would lack durability, as Congress could again suspend or defund it at any time, as it has repeatedly done for decades, rendering any relief ephemeral. Second, § 925(c) operates exclusively at the federal level and does nothing to address state-law regimes that independently bar restoration of firearm rights[3]. Here, § 914.7 not only maintains such a state-law bar but also *permanently* forecloses federal relief. 18 U.S.C. § 921(a)(20) ("[w]hat constitutes a conviction of such a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held."). For these reasons, reestablishment of § 925(c) would not resolve the core constitutional problem presented. It also bears emphasis that federal convictions have always remained subject to executive clemency by the President of the United States. U.S. Const. Art. II, § 2, cl. 1. Contrary to the Eighth Circuit's conclusion below, § 914.7 prevents even gubernatorial pardons from restoring firearm rights in Iowa, a point of law demonstrated conclusively *infra*.

This Court should grant review to provide much-

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[3] Andrew Willinger, How State Gun-Rights Restoration May Complicate 925(c), published October 30th, 2025, https://perma.cc/KZT3-J6YN (last visited February 20th, 2025).

needed guidance on the constitutional standards governing restoration of the right to keep and bear arms when that right has been *suspended* by virtue of a felony conviction. Absent this Court's intervention, the Second Amendment rights of many Americans, including the Petitioner, will continue to be subject to ongoing infringement for *life*.

OPINIONS AND ORDERS

The opinion of the Court of Appeals for the Eighth Circuit is reported in a published opinion at *Browne v. Reynolds, et al.*, 150 F.4th 975 (8th Cir. 2025) and is reproduced at Pet. App. 1a-12a. The Court of Appeals for the Eighth Circuit order denying rehearing (8th Cir. October 27th, 2025) is reproduced at Pet. App. 27a. The opinion of the district court is unreported but is reproduced at Pet. App. 13a–26a.

JURISDICTION

The District Court exercised jurisdiction over the federal claim under 28 U.S.C. §§ 1331 and 1343. The United States Court of Appeals for the Eighth Circuit exercised jurisdiction under 28 U.S.C. § 1291. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Iowa Code § 914.7 (2026)—Rights not restorable, paragraph (1):

> Notwithstanding any other provision of this chapter, a person who has been convicted of a forcible felony, a felony violation of chapter 124 involving a firearm, or a felony

violation of chapter 724 *shall not have the person's rights of citizenship restored* to the extent of allowing the person to receive, transport, or possess firearms." [effective date July 1st, 1989].

Iowa Code § 5701 (1939)—Employees under civil service—qualifications:

In no case shall any person be appointed or employed in any capacity in the fire or police department, or any department which is governed by civil service, unless such person: * * * 2. Is of good moral character. * * * 5. *Has not been convicted of a felony.*

Iowa Const. Art. III, § 1—Departments of government:

The powers of the government of Iowa shall be divided into three separate departments — the legislative, the executive, and the judicial: and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any function appertaining to either of the others, *except in cases hereinafter expressly directed or permitted.*

Iowa Const, Art. IV, § 16—Pardons—reprieves—commutations:

The governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offences except treason and cases of impeachment, *subject to such regulations as may be provided by law...*

Second Amendment of the U.S.

Constitution:

> 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*.

STATEMENT OF THE CASE

The Petitioner is a law-abiding responsible citizen. 1st Am. Compl. at ¶ 8.

In 1991, the Petitioner was convicted under Iowa law of Willful Injury in violation of Iowa Code § 708.4 (1991), a class C forcible felony, and Criminal Gang Participation in violation of Iowa Code § 723A.2 (1991), a class D felony. *Id.* at ¶ 9; *State v. Browne*, 494 N.W.2d 241 (Iowa 1992); Pet. App. at 6a; Pet. App. at 14a. The Petitioner received a prison sentence of ten years for Willful Injury and five years for Criminal Gang Participation, to be served concurrently. *Id.* at ¶ 10; *Browne* at 494 N.W.2d 242; Pet. App. at 14a. The Petitioner was also ordered to pay restitution, fines, or other financial obligations as part of his 1991 convictions. *Id.* at ¶ 11. During his prison sentence at the Iowa State Penitentiary in Fort Madison, Iowa, the Petitioner began taking correspondence courses at his own expense from the University of Iowa with the hopes of one day completing a degree in Computer Science. *Id.* at ¶ 12. The Petitioner discharged his prison sentence on January 16th, 1998. *Id.* at ¶ 13; Pet. App. at 6a; Pet. App. at 15a.

By operation of Iowa Governor Tom Vilsack's July 4th, 2005, Executive Order Number Forty-Two, the Petitioner's "big three" rights of citizenship were restored with regards to his 1991 convictions for

Willful Injury and Criminal Gang Participation, but not his right to keep and bear arms nor the requirement to pay restitution, fines, or other financial obligations. *Id.* at ¶ 14; *Buchmeier v. US*, 581 F.3d 561 at 564-565 (7th Cir. 2009) (*en banc*) ("[T]hree civil rights matter: the rights to vote, to hold office, and to serve on juries. If these are restored, then a conviction does not carry federal firearms disabilities or support a § 924(e) enhancement "unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms."").

Since 2005, the Petitioner has been a registered voter in Johnson County, Iowa, and has voted in each election since then[4]. *Id.* at ¶ 17; Pet. App. at 15a. On December 17th, 2005, the Petitioner completed his degree in Computer Science at the University of Iowa. *Id.* at ¶ 15; Pet. App. at 6a; Pet. App. at 15a. Since 2006, the Petitioner has been employed full-time as a Software or DevSecOps Engineer. *Id.* at ¶ 16; Pet. App. at 6a; Pet. App. at 15a. The Petitioner paid in full all his restitution,

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[4] In footnote three of the District Court's final order, the District Court misstated the record regarding the Petitioner's voting rights by stating Governor Branstad "again revoked" the Petitioner's voting rights in 2011 and "Governor Reynolds later restored his rights once more in 2020." Pet. App. 15a. Governor Branstad's 2011 EO 70, by its own terms, worked prospectively only and did not "affect the restoration of the rights of citizenship granted prior to the date" of the EO. Governor Branstad's 2011 EO 70 at ¶ II. Therefore, Governor Reynolds' 2020 EO 7 did not alter or affect the rights of the Petitioner. 1st Am. Compl. at ¶ 25. The Petitioner has been a registered voter in Johnson County, Iowa since 2005 and has voted in every election since then, including the period between 2011 and 2020. *Id.* at ¶ 17.

fines, or other financial obligations regarding his 1991 convictions for Willful Injury and Criminal Gang Participation. *Id.* at ¶ 18; Pet. App. at 6a. Thus, the suspension of the Petitioner's right to keep and bear arms is the only remaining collateral consequence from his 1991 felony convictions, other than a full pardon. From April 2019 to December 2021, the Petitioner held an active SECRET security clearance with the U.S. Department of Defense for his work as a DevSecOps Engineer at Collins Aerospace. *Id.* at ¶ 18; Pet. App. at 6a; Pet. App. at 15a.

The Petitioner was born and raised in Waukegan, Illinois. *Id.* at ¶ 32. The Petitioner has continuously been an Iowa resident since 1991. *Id.* at ¶ 33. The Petitioner has never relinquished his Illinois birth residency. *Id.* at ¶ 34. Should the Petitioner move back to Illinois, he will become subject to Illinois' FOID Card Act. *Id.* at ¶ 35. If the Petitioner moved to any state besides Illinois, the state law in that locale would apply. *Id.* at ¶ 36. Federal law would also apply in any state he moved to. *Id.* at ¶ 37. Under 18 U.S.C. § 921(a)(20) and *Caron v. US*, 524 U.S. 308 (1998), the Petitioner would be prohibited by federal law from possessing firearms or firearm ammunition, unless his fundamental right to keep and bear arms was fully restored in Iowa and Iowa only. *Id.* at ¶ 39. Likewise, the Petitioner would be prohibited from restoring his fundamental right to keep and bear arms through the FOID Card Act pursuant to 430 ILCS 65/10(c)(4), unless his fundamental right to keep and bear arms was fully restored in Iowa and Iowa only, but only because of the federal prohibition. *Brown v. Illinois State Police*, 190 N.E.3d 162 at 173-175 (2021). *Id.* at ¶ 39. Thus, the Petitioner cannot

move back to his home state or any other state and apply for and receive restoration of his fundamental right to keep and bear arms, even if that state allows for restoration, without first having such right restored in Iowa first. *Id.* at ¶ 41. Thus, § 914.7's reach is *nationwide*.

Subject to such regulations as may be provided by the Iowa General Assembly, a principle given effect by § 914.7, Governor Reynolds has the power to grant reprieves, commutations, and pardons, after conviction, for all offenses, which power includes the restoration of the right to keep and bear arms, pursuant to Iowa Const. Art. IV, § 16. *Id.* at ¶ 21. People in Johnson County, Iowa must apply to the Sheriff for a permit to acquire pistols or revolvers pursuant to Iowa Code § 724.17 (2026) and the Iowa Administrative Rules 661.91 (2026). *Id.* at ¶ 22. If §914.7 is declared unconstitutional, the Petitioner would apply to the Governor for a pardon of his fundamental right to keep and bear arms and, if granted, would only keep, and bear lawful firearms for hunting, target shooting, and home defense. Id. at ¶ 42. If Iowa Code §914.7 is declared unconstitutional, the Petitioner would apply to the Sheriff for a permit to acquire firearms and, if granted, would only keep, and bear lawful firearms for hunting, target shooting, and home defense. *Id.* at ¶ 43. Currently, § 914.7 prevents Iowa courts; the Governor; the Sheriff; state courts, governors, or sheriffs from the other forty-nine states; and the U.S. federal government from restoring the Petitioner's right to keep and bear arms for *life*. *Id.* at ¶ 44.

The Petitioner initiated this declaratory action *pro se* in state court against the Respondents,

alleging that § 914.7 is unconstitutional as applied to him under the Second and Fourteenth Amendments to the United States Constitution and Iowa Const. Art. I, § 1A. Pet. App. At 7a. The Respondents removed the action to federal court, where the District Court concluded that § 914.7 does not violate the Second Amendment, as applied to the Petitioner, and dismissed the complaint for failure to state a claim under Fed. R. Civ. P. 12(b)(6). *Id.* In doing so, the District Court failed to apply the two-step framework mandated by *NYSRPA v. Bruen*, 597 U.S. 1 (2022) to evaluate § 914.7, and instead relied exclusively on *US v. Jackson,* 69 F.4th 495 (8th Cir. 2023), judgment vacated (July 2nd, 2024) (*Jackson I*), to dismiss the Petitioner's Second Amendment claim. *Jackson I*, however, addressed only 18 U.S.C. § 922(g)(1), the federal felon-in-possession statute, and did not consider § 914.7. Significantly, the defendant in *Jackson I* retained a statutory mechanism under Minnesota law to seek restoration of firearm rights, notwithstanding that his predicate offense was classified as a "crime of violence." *See* Minn. Stat. § 609.165(1d) (2026). By contrast, § 914.7 affords the Petitioner no avenue for restoration and instead declares his rights are "not restorable." The District Court further declined to exercise supplemental jurisdiction over the Petitioner's Iowa constitutional claim and remanded that claim to state court pursuant to 28 U.S.C. § 1367(c). The District Court exercised jurisdiction over the federal claim under 28 U.S.C. §§ 1331 and 1343.

The Petitioner appealed the dismissal of his federal claim to the United States Court of Appeals for the Eighth Circuit, which exercised jurisdiction

under 28 U.S.C. § 1291 and reviewed the District Court's decision *de novo*. Relying on *US v. Jackson*, 110 F.4th 1120 (8th Cir. 2024), cert. denied (May 19th, 2025) (*Jackson II*) and *Slater v. Olson*, 299 N.W. 879 (Iowa 1941), the Eighth Circuit affirmed the District Court on September 2nd, 2025, in an opinion published at *Browne v. Reynolds, et al.*, 150 F.4th 975 (8th Cir. 2025). Pet. App. at 1a–12a. Also without conducting the two-step analysis of § 914.7 required by *Bruen*, the panel erroneously concluded that *Jackson II* controlled the Petitioner's claim and that the historical reach of capital punishment at the founding supplied the relevant tradition supporting § 914.7. The panel further incorrectly determined that *Slater* alternatively established that § 914.7 does not restrict the Governor's pardon power under Art. III, § 1 of the Iowa Constitution, thereby rendering the suspension of the Petitioner's right to keep and bear arms *nonpermanent*, an argument first raised by the Governor in her Sur-Reply. Pet. App. at 28a-32a. The panel did, however, correctly hold that the Petitioner had standing before the District Court, an issue likewise raised for the first time in the Governor's Sur-Reply. Pet. App. at 8a-9a. The Petitioner timely petitioned for panel and *en banc* rehearing on September 29th, 2025, and that petition was denied on October 27th, 2025. Pet. App. at 27a.

The Petitioner invokes this Court's jurisdiction under 28 U.S.C. § 1254(1) and respectfully seeks plenary review of the Eighth Circuit's panel decision in *Browne v. Reynolds, et al.*, 150 F.4th 975 (8th Cir. 2025).

REASONS FOR ALLOWANCE OF THE WRIT

1. Natural right of self-defense

The Petitioner has, since birth, retained his inherent and inalienable "natural right of resistance and self-preservation." 1 William Blackstone, Commentaries on the Laws of England 143–44; *District of Columbia v. Heller*, 554 U.S. 570, 128 S.Ct. 2783 at 2798-2799 (2008). Although modern American legal vernacular often characterizes an individual as having "lost" the right to keep and bear arms upon the occurrence of a disqualifying conviction, such as a felony or a misdemeanor crime of domestic violence, the more precise legal construction is that such a conviction results in a *suspension* of that right, rather than its complete forfeiture. *Kanter v. Barr*, 919 F.3d 437 at 461 (7th Cir. 2019) (Barrett, J., dissenting). The Petitioner's 1991 felony convictions thus operated to *suspend*, not extinguish, his right to armed self-defense, subject to potential restoration. While such a suspension may endure for the remainder of an individual's natural life absent affirmative restoration, it does not amount to a permanent divestiture, unless there is no path to meaningful restoration. The right itself, rooted in natural law, remains for life, even if its exercise is lawfully constrained. *Heller* at 128 S.Ct. 2817 ("[l]ike most rights, the right secured by the Second Amendment is not unlimited").

2. The Iowa Constitution permits the Iowa General Assembly to curtail the Governor's clemency powers

§ 914.7 is a declaration from the Iowa General Assembly that the suspension of the Petitioner's right to keep and bear arms based upon his 1991 felony convictions is "not restorable." Clemency from the Governor is the only restoration path for gun rights suspended by *any* felony conviction in Iowa. Contrary to the Eighth Circuit panel's determination below, the Iowa Constitution allows the Iowa General Assembly to curtail the Governor's clemency powers by laws such as § 914.7. The Iowa Constitution vests clemency authority in the Governor "subject to such regulations as may be provided by law." Iowa Const. Art. IV, § 16. Unlike the U.S. Constitution, that text explicitly authorizes legislative regulation of clemency powers in Iowa. Iowa Const. Art. III, § 1 permits such regulation where "expressly directed or permitted." Read together, these provisions allow the Iowa General Assembly to regulate clemency's effects, a principle given effect by § 914.7. Thus, under Iowa law, the Petitioner cannot have his right to keep and bear arms restored for *life*, even by a gubernatorial pardon, and it effectively make the suspension of his right to keep and bear arms *permanent*. This Court should grant certiorari on this basis alone to correct the panel's erroneous interpretation of Iowa law.

A "pardon" by the Governor of Iowa "restores one to *all his citizenship rights*, including the rights of suffrage, to serve on a jury, and to be a witness." *State v. Haubrich*, 83 N.W.2d 451 at 455 (Iowa 1957) (emphasis added). The list of rights of citizenship

denoted in *Haubrich* is not exhaustive. Material for the purposes here, the list also indisputably includes the rights of citizenship to hold public office and to keep and bear arms. *Haubrich* at 83 N.W.2d 455 (non-exhaustive list). The "big three" rights of citizenship then are: the rights to vote, hold office, and serve on juries, *Buchmeier* 581 F.3d at 564-565, while keeping and bearing arms is considered the "fourth" big right of citizenship. *Haubrich* at 83 N.W.2d 455 (non-exhaustive list). Any other rights of citizenship that are restored by a pardon will be termed by the Petitioner as "other collateral consequences," which include, but are not limited to, being a witness, *Haubrich id.*, a bar to greater penalties for second offenses, subsequent convictions, or convictions as a habitual criminal, *Bell v. US*, 970 F.2d 428 at 430 (8th Cir. 1992), and "to be exempt from additional disabilities or disqualifications imposed because of the conviction," *Slater* at 299 N.W. 881. "Rights of citizenship" then, in the context of § 914.7, can be defined as the "big four" rights plus "other collateral consequences" suspended due to a felony conviction. A "restoration of rights" is simply a clemency act that restores a *subset*—but not *all*—of those rights of citizenship. *Bell* at 970 F.2d 430 ("certificate states that it should not be construed as a pardon"); *State v. Evans*, 410 S.W.3d 258 at 260 (Mo. Court of Appeals 2013) ("[t]he Restoration further indicated that it was not to "be construed as a Pardon or as a remission of guilt or forgiveness of the offense.""); *State v. Hall*, 301 N.W.2d 729 at 733 (Iowa 1981) ("restoration of citizenship specifically disavowed any intent to grant a pardon or to operate as a "remission of guilt.""). Federal and Iowa statutes denote such

partial restorations more definitively as a "restoration of civil rights." 18 U.S.C. § 921(a)(20); Iowa Code § 724.27 (2026) (generally).

The contrary Iowa constitutional, statutory, and precedential construction reached by the panel below was not merely legally erroneous, but profoundly so. The holding in *Slater* only addressed the recognition of "other collateral consequences" flowing from a pardon (whether one "has been convicted of a felony" after a full pardon); it did not consider, nor purport to decide, whether the Iowa General Assembly could curtail the Governor's clemency authority to restore such rights in the first instance, as § 914.7 expressly does. The statute at issue in *Slater*, Iowa Code § 5701 (1939), provided in relevant part:

> Employees under civil service—qualifications. * * * In no case shall any person be appointed or employed in any capacity in the fire or police department, or any department which is governed by civil service, unless such person: * * * 2. Is of good moral character. * * * 5. *Has not been convicted of a felony*. *Slater* at 299 N.W. 879.

Nothing in § 5701 (1939) sought to define, much less limit, the scope of rights of citizenship that a gubernatorial pardon might inure. Rather, the sole issue in *Slater* concerned the recognition of the pardon's restoration of "other collateral consequences" by state actors, specifically, the Civil Service Commission of Des Moines in relation to the position of Assistant Smoke Inspector. *Id* at 880. The Iowa Supreme Court framed the question this way: "the decision of the issue rests primarily upon the

legal effect of a pardon on the status of a person convicted of a felony." *Id* at 880. *Slater* predates the July 1st, 1989, effective date of § 914.7 (2026) by 48 years and no Iowa appellate court has interpreted § 914.7 the way the Governor argued and the panel so held.

§ 914.7 (2026), in contrast to § 5701 (1939), explicitly regulates the substance of restoration of gun rights. § 914.7 never employs the terms "pardon" or "restoration of rights," and neither the panel nor the Governor demonstrated below how the statute's plain language distinguishes between the two to apply to one but not the other, relying instead upon the bare and conclusory assertion by the Governor that it simply does so. § 914.7 never uses the terms "pardon" or "restoration of rights," instead, it declares that a person convicted of a forcible felony "*shall not have the person's rights of citizenship restored to the extent of allowing the person to receive, transport, or possess firearms.*" (emphasis added) § 914.7. The phrase "to the extent" is an adverbial modifier: it narrows what may be "restored," namely, a "person's rights of citizenship," should the restoration instrument include firearm rights. The operative consequence is categorical: whenever a clemency instrument (pardon, restoration of rights, or otherwise) purports to reinstate firearm rights, that portion is *void*. § 914.7 applies with equal force to *all* clemency vehicles. § 914.7's text admits to one reading: "to the extent" *any* instrument purports to restore firearm rights, it is *void*. This follows inescapably from the statute's plain terms. *Q.E.D.*

Crucially, § 914.7 does not require denial of

clemency applications, as the Respondent argued in her Memo of Authorities from case No. EQCV084562 (Pet. App. at 38a) ("Browne may attempt to argue that, because section 914.7 *requires, by statute*, the Governor to deny his application for a restoration of rights, he should not have to apply just to have standing.") (emphasis added). § 914.7 operates more insidiously: it *nullifies* the effect of any attempted restoration that reaches firearm rights. In practice, that means the Governor may issue a clemency grant, but any firearm rights component is a legal *nullity*. Unsurprisingly, since § 914.7's effective date (July 1st, 1989), there is no evidence of an instance in which an Iowa Governor has successfully restored a forcible felon's firearm rights. Only upon a judicial declaration of unconstitutionality could the Petitioner conceivably become the first forcible felon to have his rights restored.

Most pertinently, and of overriding significance, neither the Eighth Circuit panel nor the Governor explained how *Slater* or Iowa Const. Art. III, § 1 can preclude the legislature from limiting the Governor's power to issue pardons while simultaneously permitting that same legislature to restrict the Governor's power to grant restorations of rights—when the Governor's pardon power to grant both derive from the same constitutional source: Iowa Const. Art. IV, § 16. Even under a basic logical analysis of that proposition, the Iowa Constitution could empower the legislature to void both or neither, but not to invalidate one while preserving the other.

When read harmoniously, Iowa Const. Art. III, § 1 and Art. IV, § 16 authorizes the General Assembly

to regulate the legal effect of pardons *and* restorations of rights, an authority accurately reflected in § 914.7. The contrary conclusion, that "[t]he Constitution vests the pardoning power exclusively in the governor, and, because of the division of the powers of government, neither the judiciary nor the legislature may interfere with or encroach upon this constitutional power lodged in the chief executive of the state," *Slater* at 299 N.W. 881; *Browne* at 150 F.4th 980, disregards the constitutional qualifiers set forth in both Iowa Const. Art. III, § 1 ("except in cases hereinafter expressly directed or permitted") and Art. IV, § 16 ("subject to such regulations as may be provided by law"), which must be construed *in pari materia* to give full effect to the constitutional design. *Slater* failed to address this limiting language in Iowa Const. Art. III, § 1 and Art. IV, § 16 because § 5701 (1939) itself made no express attempt to regulate clemency and the question was, therefore, not before the Iowa Supreme Court. This misreading was central to the Eighth Circuit panel's erroneous legal construction below and lacks any sound constitutional foundation and misapplies *Slater*.

The Governor's interpretation of § 914.7 diverged markedly from that of the Eighth Circuit panel, relying instead, not on *Slater* or Iowa Const. Art. III, § 1, but upon the bare and conclusory assertion that § 914.7 applies to restorations of rights but not to pardons. The Governor's Sur-Reply below (Pet. App. at 28a-32a*)* and Memo of Authorities in support of her Motion for Summary Judgment in Case No. EQCV084562 (Pet. App. at 33a-41a) at critical junctures make no reference whatsoever to *Slater* or Iowa Const. Art. III, § 1.

Instead, the Governor devoted considerable argument to emphasizing the distinction between a pardon and a restoration of rights, an issue the Petitioner has never contested, and cited *US v. Smith*, 171 F.3d 617 (8th Cir. 1999), for that uncontroversial proposition. Yet the only support she offered for her substantive position consisted of three conclusory statements: "Iowa Code section 914.7 restricts only the restoration of firearm rights" (Pet. App. at 28a and 34a), "Section 914.7 does not close the door to a full pardon" (Pet. App. at 28a and 34a), and "pardons are not restricted by section 914.7" (Pet. App. at 32a and 38a). No constitutional, statutory, or precedential authority was cited to sustain these claims, and, again, no Iowa appellate decision has ever endorsed the construction of § 914.7 advanced by either the Eighth Circuit panel or the Governor.

Even assuming, arguendo, that § 914.7 preserves the power to issue pardons but bars restoration of rights, Iowa Code § 724.27(2) unambiguously eliminates that interpretation. § 724.27(2) expressly excludes all individuals covered by § 914.7, a category that undeniably includes the Petitioner, from reliance upon Subsection 1, which explicitly recognizes both pardons and restorations of rights as valid means of restoration. § 724.27(1)(a) and (b).

The panel's construction below and the Governor's corresponding proffered interpretation in her Sur-Reply, as well as her Motion for Summary Judgment in Case No. EQCV084562, filed later the same day the opinion in *Browne* was released (September 2nd, 2025), are legally erroneous for

multiple, independent reasons. Most critically, they fail to recognize that the Iowa Constitution vests the legislature with authority to regulate the Governor's power to grant both restorations of rights *and* pardons; they conflate *recognition* statutes, such as § 5701 (1939) at issue in *Slater*, with a *voiding* statute like § 914.7 (2026); disregard that § 914.7's "to the extent" clause operates upon *all* clemency and restoration instruments; and overlook the express exclusions contained in § 724.27(2). This Court should grant plenary review to correct this erroneous interpretation of Iowa law, at a minimum, but alternatively recognize that § 914.7 provides a *permanent* bar to the restoration of the Petitioner's *suspended* right to keep and bear arms.

3. The panel decision is wrong and conflicts with *Jackson II*

The panel's decision cannot be reconciled with the reasoning in *Jackson II*. In *Jackson II*, the Court considered only whether 18 U.S.C. § 922(g)(1), the federal felon-in-possession statute, could constitutionally be applied to Mr. Edell Jackson "because his drug offenses were "non-violent."" *Jackson II* at 110 F.4th 1125. As the Petitioner argued to both the District Court and the panel below, *Jackson II* merely holds that one can be prosecuted under § 922(g)(1), *if their gun rights have not been restored*. It is indisputable that if a felon's right to keep and bear arms have been restored through expungement, pardon, or the restoration of civil rights, convictions under the felon-in-possession statutes, state or federal, would not lie. 18 U.S.C. § 921(a)(20); Iowa Code § 724.27. *Jackson II* did not confront this closely related, but separate

and distinct question of *restoration*. The felon-in-possession laws only address *disarmament*, in the first instance.

Indeed, Minnesota law, which applied to Mr. Jackson, provided a statutory mechanism for the restoration of his firearm rights through Minn. Stat. § 609.165(1d) (2026), which authorizes persons convicted of a "crime of violence," which Mr. Jackson's drug crime was defined as under Minnesota law (Minn. Stat. § 624.712, subd. 5 (2026)), to petition the court for the return of firearm rights following conviction, every three years. Mr. Jackson, however, did not seek restoration under that statute, leaving the Court to decide only the narrow question of *disarmament*. If one carefully reads section I of *Jackson II*, it can be discerned that Mr. Jackson's defense, rejected by the jury, was that he thought his rights were, in fact, *restored*, though restoration was never sought under § 609.165(1d). Whether Mr. Jackson could *ever* have his gun rights restored was never addressed.

§ 914.7 presents a closely related but entirely different constitutional inquiry. Unlike § 922(g)(1), which imposes *disarmament*, § 914.7 perpetually forecloses the *restoration* of firearm rights for any person convicted of a forcible felony. Whereas Mr. Jackson could have pursued restoration under Minnesota's statutory scheme, Iowa law denies even that opportunity. The effect is categorical: firearm rights are deemed "not restorable," regardless of the circumstances, the individual's rehabilitation, or the passage of time. This is not *disarmament* in the first instance as the felon-in-possession laws regulate; it is the lifetime legislative nullification of *restoration*,

a measure that extinguishes the Governor's clemency and bars recognition of restored gun rights *nationwide.*

Accordingly, the constitutional question presented by § 914.7 is fundamentally distinct from that considered in *Jackson II.* A proper *Bruen* analysis must examine whether § 914.7, a statute that permanently forecloses the possibility of *restoration*, is consistent with the text, history, and tradition of the Second Amendment. *Bruen* at 597 U.S. 8 and 15; *US v. Rahimi*, 602 U.S. 680 at 692 (2024). Neither the district court nor the panel undertook that analysis. Because *Jackson II* addressed *disarmament* only and expressly left unresolved the separate issue of whether *restoration* may be categorically denied permanently, it cannot support the panel's conclusion below. The Petitioner graciously submits that plenary review is, therefore, necessary to correct this error, particularly where the panel's result, with all due respect to the authors, rests on a mistaken construction of § 914.7.

4. The panel decision does not comport with *Bruen* and *Rahimi*

The panel's decision is inconsistent with the framework required by *Bruen* and *Rahimi.* Under *Bruen*, the panel was obligated to determine, as a "threshold inquiry," whether "the Second Amendment's plain text covers" the individual challenging the law. *Atkinson v. Garland*, 70 F.4th 1018 at 1020 (7th Cir. 2023); *Bruen* at 597 U.S. 17. As in *Jackson II*, the panel implicitly recognized that the Petitioner, as a citizen with a felony conviction, falls within the Second Amendment's "bare text," but it failed to make that finding explicitly. While

this omission alone does not warrant plenary review, this Court has made clear that the fundamental right to bear arms is not a "second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees.'" *Id.* at 62. The Petitioner politely submits that this Court should expressly acknowledge his coverage under the Second Amendment's plain text, particularly as the Respondents conceded the point. *Worth v. Jacobson*,108 F.4th 677 at 691-692 (8th Cir. 2024).

Once that threshold is crossed, the burden shifts. If the Second Amendment's "bare text" covers the individual, "the government must demonstrate that the regulation is consistent with this Nation's historical tradition of firearm regulation." *Bruen* at 597 U.S. 8 and 15; *Rahimi* at 602 U.S. 692. To satisfy that burden, the government must "identify a well-established and representative historical *analogue*" to the law under review. *Bruen* at 597 U.S. 30 (emphasis in original). That inquiry requires more than superficial resemblance; it requires "reasoning by analogy," with careful attention to both *how* the proposed analogue burdened the right to keep and bear arms and *why* it did so. *Id.* at 28–29. "Only if" the government succeeds in showing that its regulation fits within that historical tradition may a court conclude that the challenged restriction falls outside the Second Amendment's "unqualified command." *Id.* at 17.

The Respondents, echoing the panel, contend that capital punishment at the Founding suffices as a historical analogue to § 914.7 because early legislatures authorized execution for forcible felonies and even some non-violent crimes. *Jackson*

II at 110 F.4th 1127; *US v. Dubois*, 139 F.4th 887 at 895–96 (11th Cir. 2025) (Pryor, C.J., concurring). They rely on *Medina v. Whitaker*, 913 F.3d 152 at 158 (D.C. Cir. 2019), reasoning that those facing death or estate forfeiture in 1791 could hardly be within the scope of the right to arms, and invoke *Bucklew v. Precythe*, 587 U.S. 119 at 129 (2019), for the proposition that death was the "standard penalty for all serious crimes." They further cite Justice Barrett's concurrence in *Rahimi* at 602 U.S. 739–40 (2024), cautioning courts not to assume legislatures failed to exercise their full regulatory authority. From this, they conclude that if execution was permissible, then the "lesser" punishment of permanent dispossession without restoration must also be permissible.

That reasoning fails under *Bruen's* required historical inquiry. The *Crimes Act of 1790*[5] demonstrates that capital punishment was exceptional, not standard. Death was prescribed for treason (§1), murder (§3), rape (§5), carnal knowledge of a child under ten (§6), arson (§18), piracy (§27), forgery of public securities (§11), and rescue after conviction (§19)—the most egregious offenses. §11 is clearly an extreme outlier. Many serious crimes regulated by the *Crimes Act of 1790*, including violent ones—manslaughter (§7, §12), mayhem (§13), robbery (§14), and assault with intent to murder or commit felony (§15)—carried imprisonment, fines, and sometimes whipping, but not death. Lesser crimes such as perjury (§9), larceny (§16), receiving stolen goods (§17), bribery

[5] An Act for the Punishment of Certain Crimes Against the United States (1790)

(§22), and obstruction of justice (§24) were punished only with imprisonment or fines. Crucially, upon completion of any *incarcerable* sentence, a former prisoner's right to keep and bear arms was *restored by operation of law. Range v. Atty. Gen.*, 69 F.4th 96 at 127-128 (3d Cir. 2023) (*Range I*) (Krause Dissent) ("only upon successfully serving of his sentence and reintegrating into society could he presumably repurchase arms."). Execution terminated life entirely. The *why* of execution was punishment and deterrence of the *most egregious crimes*—not firearm regulation. *Bruen* requires that historical analogues reflect comparable "how and why." *Bruen* at 597 U.S. 15. Historical laws that did not regulate or address the misuse of firearms, such as capital punishment, are not proper analogues. Every offense punishable by death under the *Crimes Act of 1790* could be committed without a firearm. Death has been pardonable since the 9th century. *Haubrich* at 83 N.W.2d 455.

By contrast, § 914.7 operates differently and for a different purpose. § 914.7's *how* is to permanently nullify restoration of a discrete right, the right to keep and bear arms, even after sentence completion and restoration of all other civil rights. § 914.7's *why* is expressly preventative: to prevent gun violence by *permanently* disarming forcible felons which the Respondents claim are "statistically" most likely to commit crimes with them. Governor's Memo of Authorities, Pet. App. 40a-41a. That has no historical analogue. The Fifth Circuit recently recognized that extending capital punishment analogies to lifetime firearm bans for lesser offenses "stretches the analogical reasoning prescribed by *Bruen* and *Rahimi* too far." *US v. Kimble*, 142 F.4th

308 at 318–19 (5th Cir. 2025). Those who survived punishment and reintegrated, such as those convicted of mayhem under the *Crimes Act of* 1790, retained constitutional rights, including jury trial, freedom from unreasonable searches and seizures, free speech, religious liberty, and *bearing arms*. *Williams* at 113 F.4th 658. The mismatch between execution and § 914.7 is therefore fatal under *Bruen* and *Rahimi*.

Below, Respondents analogized Petitioner's offense to mayhem under the *Crimes Act of 1790*, punishable by up to seven years' imprisonment, not death. The Petitioner served just under seven years. Yet Respondents identified no Founding analogue in which a person who completed such imprisonment for mayhem remained *permanently* disarmed. That absence is dispositive. *Range I* at 69 F.4th 105 ("[t]he greater does not necessarily include the lesser: founding-era governments' execution of some individuals convicted of certain offenses does not mean the State, then or now, could constitutionally strip a felon of his right to possess arms if he was not executed."). As demonstrated here and below, such analogues *do not exist*. "[F]elons... don't lose other rights guaranteed in the Bill of Rights even though an offender who committed the same act in 1790 would have faced capital punishment." *Williams* at 113 F.4th 658; *Zherka v. Bondi*, 140 F.4th 68 at 82 (2d Cir. 2025); *Kanter* at 919 F.3d 461–62 (Barrett, J., dissenting).

The panel responded that "it would be imprudent to assume that founding-era legislatures maximally exercised their power to regulate or punish." *Browne* at 150 F.4th 970-980. That

reframes the inquiry from what legislatures *did* to what they *could have done*, rendering all felon firearm regulations immune from challenge. Under that reasoning, lifetime disarmament could constitutionally attach to *any* felony. § 914.7 extends "to an extent beyond what was done at the founding." *Rahimi* at 602 U.S. 692.

History contradicts the panel's premise. "Within two decades of gaining independence from England, the states of the Union had replaced execution with incarceration as the punishment for all but a few crimes." *US v. Duarte*, 137 F.4th 743 at 773 and 796 (9th Cir. 2025) (VanDyke dissenting in part). "By the mid-1800s, most states had replaced capital punishment with incarceration for all but a few offenses." *Id.* James Wilson explained that although "felony" was "very strongly connected with capital punishment," "[a]t the common law, few felonies, indeed, were punished with death." James Wilson, 2 The Works of James Wilson 348 (Chicago: James DeWitt Andrews ed., 1896)." *Folajtar v. Atty. Gen.*, 980 F.3d 897 at 920–924 (2020). The sweeping assertion that "death was historically accepted as a permissible punishment for forcible felonies" is therefore inaccurate, with all due respect to the panel.

The Petitioner conceded below that race-based status bans are the only Founding-era analogues imposing permanent lifetime disarmament. *Zherka* at 140 F.4th 96 ("Black people in Mississippi were prohibited from owning guns with no exceptions[.]"). At oral argument in *Wolford v. Lopez*, No. 24-1046 (cert. filed May 1st, 2025), the honorable Neal Katyal asserted that the Second Amendment has no

"antidiscrimination component," notwithstanding its command that the right "*shall not be infringed.*" Oral Arg. Tr. at 91:17–20 and 93:5–12. In *Dred Scott v. Sandford*, 60 US 393 (1857), this Court held that Native Americans and Blacks were not citizens and possessed "no rights which the white man was bound to respect." *Dred Scott* at 60 US 403-404 and 407. Founding-era laws disarming Native Americans and Blacks operated on the premise that they were not citizens and, therefore, not part of "the people" protected by the Second Amendment, *US v. Sitladeen*, 64 F.4th 978 at 987 (8th Cir. 2023), not because the Second Amendment has no "antidiscrimination component."

Justice Thomas explained in *McDonald v. City of Chicago, Il.*, 561 US 742 at 807-808 (2010), that § 1 of the Fourteenth Amendment "unambiguously overruled this Court's contrary holding in *Dred Scott v. Sandford*, 19 How. 393 (1857), that the Constitution did not recognize black Americans as citizens of the United States or their own State." In *US v. Cruikshank*, 92 U.S. 542 (1876), this Court held the Second Amendment did not apply to the States, thereby enabling racial terror on Blacks in Louisiana without consequence. For 134 years, *Cruikshank* facilitated Black Codes, Jim Crow, and all manner of unconstitutional state gun restrictions. *McDonald* at 561 US 791; *Kalodimos v. Morton Grove*, 470 N.E.2d 266 (1984); *Bruen* at 597 US 63. In a watershed moment, Justice Thomas declared that "*Cruikshank* is not a precedent entitled to any respect." *McDonald* at 561 US 855. *McDonald* ultimately incorporated the Second Amendment against the States, finally rectifying *Cruikshank* 's grievous error.

Bruen confirms that 1868, the year of the Fourteenth Amendment's ratification, lies within the relevant historical window. *Bruen* at 597 US 25-26. The Fourteenth Amendment must therefore inform any historical analogue analysis under *Bruen*. "Today, it is generally accepted that the Fourteenth Amendment was understood to provide a constitutional basis for protecting the rights set out in the Civil Rights Act of 1866." *McDonald* at 561 US 775. That Act declared that ""all persons born in the United States" were "citizens of the United States" and that "such citizens, of every race and color, . . . shall have the same right" to, among other things, "full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens."" *McDonald* at 561 US 833. The Petitioner asserts that analogues rooted in racial exclusion *have always been constitutionally invalid under the Second Amendment*, made applicable to the States by the Fourteenth Amendment, for the first time by virtue of *McDonald*, and, therefore, should not be used to support modern bans such as § 914.7.

No other historical status-based analogue imposed lifetime disarmament and all had a path to restoration. *Range I* at 69 F.4th 121, 123, and 125-126; *Williams* at 113 F.4th 657 ("[e]ach time, however, individuals could demonstrate that their particular possession of a weapon posed no danger to peace."). Religious and political disarmament regimes did not survive ratification of the U.S. Constitution and First Amendment. Even in the present, Iowa is one of only four[6] states imposing

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[6] See note 2

such a lifetime bar; forty-seven states, at a minimum, permit gubernatorial pardon[7]. § 914.7 dates only to 1989. No Founding analogue supports it.

Bryan Range ultimately secured restoration of his firearm rights in the Third Circuit, notwithstanding that he admittedly possessed a deer-hunting rifle from 1998 to "several years after" 2010 or 2011, *Range v. Atty. Gen.*, 53 F.4th 262 at 267 (3d Cir. 2022), and a pistol for approximately one month in 2008, *id.* at n. 4. Although Pennsylvania law afforded him a formal mechanism to seek a pardon or restoration of civil rights, he did not pursue that avenue before obtaining relief in federal court. 18 Pa. Cons. Stat. § 6105(d) (2026). Likewise, Selim Zherka from *Zherka* and Melynda Vincent from *Vincent v. Bondi*, 127 F.4th 1263 (10th Cir. 2025) are eligible for presidential clemency and may seek relief under the reinstated § 925(c). On January 27th, 2026, the Fifth Circuit restored Charles Hembree's firearm rights following a Mississippi felony drug possession conviction, despite his failure to utilize available state restoration procedures, including pardon or judicial petition. *US v. Hembree*, No. 24-60436 (5th Cir. 2026); Miss. Code Ann. § 97-37-5(1) (2026). On January 20th, 2026, this Court denied numerous petitions raising the same question presented in *Range v. Atty. Gen., F*, 124 F.4th 218 at 231 (3d Cir. 2024) (*Range II*), *Zherka*, *Vincent*, *Hembree*, and *Jackson II*—whether § 922(g)(1) is unconstitutional,

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[7] Collateral Consequences Resource Center, Restoration of Rights Project, https://perma.cc/G98Q-PU3J (last visited February 20th, 2026)

ab initio, as applied to individuals convicted of nonforcible felonies. Each petitioner had access to some restoration mechanism. The present case raises a different but closely related constitutional issue: not the validity of the initial *suspension*, but whether the Second Amendment permits Iowa to impose a *permanent*, categorical bar on *restoration* after full discharge of sentence, twenty-eight years of demonstrably lawful conduct, and thirty-five years since conviction. *Williams* at 113 F.4th 658 ("this question is unsettled").

This Court should grant certiorari to resolve this conflict and clarify whether capital punishment or racial exclusion may serve as valid historical analogues for *permanent* firearm dispossession after a forcible felony conviction.

5. Federal courts of appeal are sharply divided over whether capital punishment provides a valid historical analogue for permanent disarmament

Federal courts of appeal are sharply divided over whether capital punishment serves as a valid historical analogue to justify permanent disarmament. The Second, Third, and Sixth Circuits have concluded that execution at the Founding does not provide a sufficient basis for lifetime firearm dispossession. *Zherka* at 140 F.4th 82; *Range II* at 124 F.4th 231; *Williams* at 113 F.4th 658. The Fifth Circuit has likewise rejected capital punishment as a general analogue, recognizing it only where the underlying offense was itself capital at the Founding. That reasoning excludes the Petitioner's conviction for Willful Injury, which the Governor concedes is analogous to mayhem, a crime

punishable under the *Crimes Act of 1790* by no more than seven years imprisonment and a $1,000 fine. *Kimble* at 142 F.4th 318–19; *US v. Diaz*, 116 F.4th 458 at 469 (5th Cir. 2024). By contrast, the Fourth, Eighth, and Ninth Circuits have upheld permanent dispossession based on capital punishment. *US v. Hunt*, 123 F.4th 697 at 706 (4th Cir. 2024); *Jackson II* at 110 F.4th 1127; *Duarte* at 137 F.4th 756. The Tenth and Eleventh Circuits have continued to rely on pre-*Bruen* precedent sustaining § 922(g)(1) without analyzing capital punishment as an analogue, while the First and Seventh Circuits have yet to decide the issue. *Vincent* at 127 F.4th at 1265–1266; *Dubois* at 139 F.4th 888–889; *US v. Langston*, 110 F.4th 408 at 419–420 (1st Cir. 2024); *US v. Gay*, 98 F.4th 843 at 846–47 (7th Cir. 2024).

This deep and growing division among the circuits over capital punishment as a historical analogue supporting the *permanent suspension* of the right to keep and bear arms raises a question of exceptional importance under *Bruen* and *Rahimi*. Review by this Court is necessary to ensure uniformity within the Circuits and to resolve doctrinal inconsistency on an issue that goes to the heart of the Second Amendment's scope and meaning. With the utmost deference, the Petitioner humbly requests that the full Court grant certiorari to address this conflict and ensure that his case is decided in accordance with the Constitution and this Nation's historical tradition.

6. This is a matter of exceptional constitutional importance

This case raises a question of exceptional constitutional importance, as the government itself

has acknowledged. Iowa Mot. for Add'l Time at 2. At issue is whether a state may *permanently* bar a felon from *restoring* their right to keep and bear arms *suspended* by a felony conviction. That question goes to the core of the Second Amendment. The Supreme Court in *Bruen* emphasized that the right to bear arms is not a "second-class right" subject to diluted protections, 597 U.S. at 62, and in *Rahimi* reaffirmed that restrictions must be justified by history and tradition, 602 U.S. at 692.

The courts of appeals are deeply split on whether capital punishment provides a valid historical analogue for *permanent* disarmament. Some have rejected it outright, others have upheld it, and still others have avoided the issue altogether. Iowa's uniquely rigid statute, which forecloses even gubernatorial clemency, underscores the stakes of this conflict. The absence of clear national guidance leaves legislatures uncertain, lower courts divided, and individuals without a principled standard for restoring fundamental rights.

For these reasons, plenary review is essential to ensure uniformity and to clarify the constitutional limits of the *suspension* of the right to keep and bear arms upon felony conviction.

7. This case is the perfect vehicle for plenary review

This declaratory judgment action provides the perfect vehicle for plenary review of this important recurring issue, as there are no jurisdictional issues, the panel below held the Petitioner had standing before the District Court, and the panel reviewed the Second Amendment question *de novo*, on the merits.

CONCLUSION

The Court should grant this petition for a writ of certiorari.

Respectfully submitted,

ANTHONY A. BROWNE
P.O. BOX 66
IOWA CITY, IOWA, 52244
anthony.browne@live.com
Petitioner, Pro Se