

No. 25-184

In the Supreme Court of the United States

DEAMONTE LAW, PETITIONER

v.

UNITED STATES OF AMERICA

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

**MEMORANDUM FOR THE UNITED STATES
IN OPPOSITION**

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Petitioner contends (Pet. 9-11) that 18 U.S.C. 922(g)(1) violates the Second Amendment as applied to him. For the reasons set out in the government's brief opposing certiorari in *Vincent v. Bondi*, No. 24-1155 (Aug. 11, 2025), the contention that Section 922(g)(1) violates the Second Amendment as applied to petitioner does not warrant this Court's review. Although there is some disagreement among the courts of appeals regarding whether Section 922(g)(1) is susceptible to individualized as-applied challenges, that disagreement is shallow. See Br. in Opp. at 11-14, *Vincent*, *supra* (No. 24-1155). This Court has previously denied plenary review when faced with similarly narrow disagreements among the circuits about the availability of as-applied challenges to Section 922(g)(1). See *id.* at 13-14. And any disagreement among the circuits may evaporate given the Department of Justice's recent reestablishment of

the administrative process under 18 U.S.C. 925(c) for granting relief from federal firearms disabilities. See Br. in Opp. at 8-11, *Vincent, supra* (No. 24-1155).

Moreover, this case would be a poor vehicle for review. As the court of appeals recognized (Pet. App. 4), petitioner was on supervised release when he violated Section 922(g)(1). See Presentence Investigation Report (PSR) ¶ 39. Every court of appeals to consider the question has accepted Section 922(g)(1)'s validity as applied to a convicted felon who is still on parole or another form of supervision. See *United States v. Quailles*, 126 F.4th 215, 221-224 (3d Cir.), cert. denied, No. 24-7033 (Oct. 6, 2025); *United States v. Moore*, 111 F.4th 266, 272 (3d Cir. 2024), cert. denied, 145 S. Ct. 2849 (2025); *United States v. Giglio*, 126 F.4th 1039, 1042-1046 (5th Cir. 2025); *United States v. Goins*, 118 F.4th 794, 804-805 (6th Cir. 2024); *United States v. Gay*, 98 F.4th 843, 847 (7th Cir. 2024); see also *Range v. Attorney General*, 124 F.4th 218, 232 (3d Cir. 2024) (en banc) (emphasizing that the challenger had “completed his sentence”).

Additionally, petitioner possessed a firearm in this case after having been convicted of cocaine trafficking and an offense under 18 U.S.C. 924(c) for possessing a firearm during and in relation to that drug-trafficking crime. PSR ¶ 39. Given his criminal history, petitioner cannot show that he would prevail on an as-applied challenge in any circuit. See, e.g., *United States v. White*, No. 23-3013, 2025 WL 384112, at *2 (3d Cir. Feb. 4, 2025) (rejecting an as-applied challenge brought by a felon with previous convictions for, *inter alia*, drug distribution and a firearm offense), cert. denied, 145 S. Ct. 2805 (2025); *United States v. Williams*, 113 F.4th 637, 659 (6th Cir. 2024) (recognizing the constitutionality of

Section 922(g)(1) as applied to those convicted of “drug trafficking”).

The petition for a writ of certiorari should be denied.*

Respectfully submitted.

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* A copy of the government’s brief in opposition in *Vincent* is being served on petitioner. The government waives any further response to the petition for a writ of certiorari unless this Court requests otherwise.