

APPENDICES

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United States v. Osborne, No. 24-4173, ECF Doc. 45 (4th Cir. May 15, 2025)..... 1a

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FILED: May 15, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-4173
(3:23-cr-00076-DJN-1)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MELEKE OSBORNE,

Defendant - Appellant.

O R D E R

Meleke Osborne appeals his conviction for possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g)(1). Osborne argues that his conviction is invalid because § 922(g)(1) is unconstitutional, both facially and as-applied to him, in the wake of *New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022). The Government has filed a motion for summary affirmance.

In *United States v. Canada*, 123 F.4th 159, 161 (4th Cir. 2024), we held that “[§] 922(g)(1) is facially constitutional because it has a plainly legitimate sweep and

may constitutionally be applied in at least some set of circumstances.” *Id.* (internal quotation marks omitted). In *United States v. Hunt*, [123 F.4th 697, 700](#) (4th Cir. 2024), we barred as-applied challenges to § 922(g)(1) convictions under the Second Amendment, unless the conviction was pardoned or the law defining the crime of conviction is found to be unconstitutional or unlawful.

Because the only issues Osborne raises on appeal are foreclosed by *Canada* and *Hunt*, we conclude that summary affirmance is warranted. Accordingly, we grant the Government’s motion for summary affirmance.

Entered at the direction of the panel: Judge Niemeyer, Judge Heytens, and Senior Judge Keenan.

For the Court

/s/ Nwamaka Anowi, Clerk

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UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-4173
(3:23-cr-00076-DJN-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

MELEKE OSBORNE

Defendant - Appellant

J U D G M E N T

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ NWAMAKA ANOWI, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

UNITED STATES OF AMERICA,

v.

Criminal No. 3:23cr76 (DJN)

MELEKE OSBORNE,
Defendant.

ORDER
(Denying Motion to Dismiss)

This matter comes before the Court on Meleke Osborne's ("Defendant") Motion to Dismiss the Indictment Under *Bruen* (ECF No. 20). The Court issued a Memorandum Opinion (ECF No. 22) on this question in *United States v. Coleman*, 3:22cr87 (DJN). There, the Court held that while felons are protected by the Second Amendment's text, there exists a sufficiently robust history to justify disarming them. Accordingly, the Court upheld § 922(g)(1) as constitutional under *Bruen* and dismissed the defendant's motion to dismiss the indictment. Because Defendant's argument in this matter is substantially identical to that in *United States v. Coleman*, 3:22cr87 (DJN), the Court adopts the reasoning of its Memorandum Opinion, (ECF No. 22), from that case and hereby DENIES Defendant's Motion to Dismiss the Indictment Under *Bruen* (ECF No. 20).

Let the Clerk file a copy of this Order electronically and notify all counsel of record.

It is so ORDERED.

_____/s/_____
David J. Novak
United States District Judge

Richmond, Virginia
Dated: October 12, 2023