

APPENDICES

Appendix A: Order of the court of appeals

United States v. Thompson, No. 24-4649, ECF Doc. 22 (4th Cir. May 22, 2025)..... 1a

Appendix B: Judgment of the court of appeals

United States v. Thompson, No. 24-4649, ECF Doc. 23 (4th Cir. May 22, 2025)..... 4a

Appendix C: Memorandum order of the district court

United States v. Thompson, No. 1:24-cr-00113-PTG, ECF Doc. 28 (E.D. Va. July 15, 2024) 5a

FILED: May 22, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-4649
(1:24-cr-00113-PTG-1)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHRISTIAN LAMONT THOMPSON,

Defendant - Appellant.

O R D E R

Christian Lamont Thompson pled guilty, pursuant to a conditional plea agreement, to possession of a firearm as a felon, in violation of 18 U.S.C. § 922(g)(1). The district court sentenced Thompson to 27 months' imprisonment. Thompson now appeals, and consistent with his conditional plea agreement, challenges the district court's denial of his motion to dismiss the indictment. In the motion to dismiss, Thompson asserted that § 922(g)(1) is both facially unconstitutional and unconstitutional as applied to him under the Second

Amendment, relying on the Supreme Court’s decision in *New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022). Thompson pursues the same arguments on appeal.

The Government moves for summary affirmance based on our recent decisions in *United States v. Canada*, 123 F.4th 159, 160-61 (4th Cir. 2024), which rejected a facial Second Amendment challenge to § 922(g)(1), and *United States v. Hunt*, 123 F.4th 697, 700 (4th Cir. 2024), *petition for cert. filed*, No. 24-6818 (U.S. Mar. 20, 2025), which held that as-applied Second Amendment challenges to § 922(g)(1) are generally not viable.* The Government contends that the only issues Thompson presents on appeal are “manifestly unsubstantial” after *Canada* and *Hunt*. See 4th Cir. R. 27(f)(1). Although Thompson concedes that *Canada* and *Hunt* defeat his Second Amendment arguments, he nevertheless opposes summary affirmance.

Because *Canada* and *Hunt* foreclose the only issues that Thompson pursues on appeal, we conclude that summary affirmance is proper. We thus grant the Government’s motion for summary affirmance.

* In *Hunt*, the Court reaffirmed “that a person who has been convicted of a felony cannot make out a successful as-applied challenge to Section 922(g)(1) unless the felony conviction is pardoned or the law defining the crime of conviction is found unconstitutional or otherwise unlawful.” 123 F.4th at 700 (internal quotation marks omitted). Thompson does not argue that either circumstance is present here.

Entered at the direction of the panel: Judge King, Judge Agee, and Judge Wynn.

For the Court

/s/ Nwamaka Anowi, Clerk

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No. 24-4649
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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

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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
Alexandria Division**

UNITED STATES OF AMERICA,)	
)	
v.)	1:24-cr-00113 (PTG)
)	
CHRISTIAN LAMONT THOMPSON,)	
<i>Defendant.</i>)	

MEMORANDUM ORDER

Before the Court is Defendant’s “Motion to Dismiss Count 2” of the Indictment (“Motion”). Dkt. 25. Defendant argues that the statute upon which Count 2 is based, 18 U.S.C. § 922(g)(1), which prohibits felons from possessing firearms, is both facially unconstitutional and unconstitutional as applied under the Second Amendment of the United States Constitution and the Supreme Court’s decision in *New York State Rifle & Pistol Ass’n v. Bruen*, 142 S. Ct. 2111 (2022). The Court will dispense with oral argument as it would not aid in the decisional process. E.D. Va. Loc. Crim. R. 47(J). Upon consideration of the parties’ arguments and for the reasons that follow, Defendant’s Motion (Dkt. 25) is **DENIED**.

I. BACKGROUND

On May 29, 2024, Defendant was indicted for possession with intent to distribute phencyclidine, in violation of 21 U.S.C. § 841(a)(1), and possession of a firearm by a prohibited person, in violation of 18 U.S.C. § 922(g)(1). Dkt. 17. According to the parties, Defendant has two prior felony convictions for attempted distribution of cocaine, in violation of D.C. Code § 33-541(a) -(b). Dkt. 25 at 2; Dkt. 26 at 4. On June 26, 2024, Defendant filed the instant motion. Dkt. 25.

II. ANALYSIS

“An indictment may be dismissed if the statute on which the indictment is premised is unconstitutional.” *United States v. Royal*, 2024 WL 1683631, at *1 (E.D. Va. Apr. 18, 2024) (quoting *United States v. Kearney*, 2023 WL 3940106, at *1 (E.D. Va. June 9, 2023)); see Fed. R. Crim. P. 12(b)(3)(B) (allowing a defendant to file a motion alleging “a defect in the indictment” before trial). Here, Defendant argues that 18 U.S.C. § 922(g)(1) is both facially unconstitutional and unconstitutional as applied to him. Dkt. 25 at 1–2. In pertinent part, section 922(g)(1) provides that:

It shall be unlawful for any person . . . who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year[,] . . . [to] possess in or affecting commerce, any firearm or ammunition.

18 U.S.C. § 922(g)(1).

As to his facially unconstitutional claim, Defendant concedes that “ the Fourth Circuit this month held that [section] 922(g)(1) is facially constitutional” in *United States v. Canada*, 103 F.4th 257, 258–59 (4th Cir. 2024). Dkt. 25 at 3. Defendant notes that he “makes this facial argument for preservation purposes.” *Id.* Given this binding precedent, the Court denies his motion on this ground.


With respect to his as-applied argument, Defendant emphasizes that he “has no convictions for violent conduct, nor any pertaining to unlawful use of a firearm.” *Id.* at 13. He further asserts that the Government is “unable to show that [section] 922(g)(1) as applied to [him] is ‘consistent with the Nation’s historical tradition of firearm regulation.’” *Id.* at 14 (quoting *Bruen*, 597 U.S. at 24).

Regarding the as-applied challenge, courts that have addressed the issue have found that “the felon-in-possession statute . . . remains constitutional . . . as applied to nonviolent felons, because it represents a ‘longstanding prohibition’ — one consistent with this Nation’s regulation of firearms.” *United States v. Coleman*, 2023 WL 6690935, at *5, *13 (E.D. Va. Oct. 12, 2023) (quoting *District*

of *Columbia v. Heller*, 554 U.S. 570, 626 (2008)) (holding section 922(g)(1) constitutional as applied to a felon whose prior conviction was nonviolent and unrelated to unlawful use of a firearm). Even as applied to “nonviolent felon[s], sufficient historical support exists to uphold [section] 922(g)(1) as applied.” *Id.* at *13 (collecting cases and secondary sources). Thus, this Court “joins the overwhelming majority of courts that have upheld [section] 922(g)(1)’s constitutionality.” *Id.* at *2 (“collecting over 172 cases nationwide upholding [section] 922(g)(1) against facial and as-applied challenges.”). Accordingly, it is hereby

ORDERED that Defendant’s Motion to Dismiss the Indictment (Dkt. 25) is **DENIED**.

Entered this 15th day of July, 2024.
Alexandria, Virginia



Patricia Tolliver Giles
United States District Judge