

## APPENDICES

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FILED: June 12, 2025

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 24-4351  
(3:23-cr-00127-REP-1)

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GERMAINE EDWARD CAMPBELL, JR.,

Defendant - Appellant.

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O R D E R

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Germaine Edward Campbell, Jr., appeals his conviction for possession of a firearm by a felon, in violation of 18 U.S.C. § 922(g)(1). He argues that § 922(g)(1) is unconstitutional—and his conviction therefore invalid—following *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022). The Government moves for summary affirmance in light of our recent decisions in *United States v. Canada*, 123 F.4th 159, 161 (4th Cir. 2024) (considering and rejecting same argument and holding 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” (internal quotation marks omitted)), and *United States v. Hunt*, 123 F.4th 697, 703 (4th Cir. 2024) (holding “that [our] previous decisions rejecting as-applied challenges to [§] 922(g)(1) remain binding because they can be read harmoniously with *Bruen* and [*United States v.*] *Rahimi*[, 602 U.S. 680 (2024),] and have not been rendered untenable by them” (internal quotation marks omitted)), *petition for cert. filed*, No. 24-6818 (U.S. Mar. 17, 2025).

The Government contends that *Canada* and *Hunt* foreclose Campbell’s arguments on appeal, so those arguments are “manifestly unsubstantial.” 4th Cir. R. 27(f)(1). Campbell concedes that his arguments are foreclosed, but he nevertheless opposes summary affirmance. Because the only issues raised in Campbell’s appeal are foreclosed by our decisions in *Canada* and *Hunt*, we grant the Government’s motion for summary affirmance and affirm the district court’s judgment.

Entered at the direction of the panel: Judge Harris, Judge Heytens, and Senior Judge Floyd.

For the Court

/s/ Nwamaka Anowi, Clerk

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J U D G M E N T

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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. 3:23-cr-127

GERMAINE EDWARD CAMPBELL, JR.,

Defendant.

MEMORANDUM ORDER

Defendant filed DEFENSE MOTION TO DISMISS THE INDICTMENT (ECF No. 16) challenging the constitutionality of 18 U.S.C. § 922(g)(1). Defendant raises the same issue and arguments that were addressed in both United States v. Lane, No. 3:23cr62, 2023 WL 5663084 (E.D. Va. Aug. 31, 2023) and United States v. Coleman, No. 3:22cr87, 2023 WL 6690935 (E.D. Va. Oct. 12, 2023). Lane and Coleman both held that 18 U.S.C. § 922(g)(1) is constitutional but reached that conclusion based on different reasoning under the two-part test set out in N.Y. State Rifle & Pistol Ass'n v. Bruen, 597 U.S. 1 (2022). Compare Lane, 2023 WL 5663084, at \*13 with Coleman, 2023 WL 6690935, at \*16. Lane held that the Fourth Circuit decisions in United States v. Moore, 666 F.3d 313 (4th Cir. 2012) and United States v. Pruess, 703 F.3d 242 (4th Cir. 2012) are still binding precedent, and regardless, under the first step of Bruen "felons are not among 'the people' whose conduct the Second Amendment protects." Lane, 2023 WL 5663084, at \*7, \*13. Coleman held that

felons are "plainly within the Second Amendment's text" under the first step of Bruen, but under the second step, held that 18 U.S.C. 922(g)(1) is constitutional because felons "have historically experienced disarmament." Coleman, 2023 WL 6690935, at \*16. The Court asked the parties to submit supplemental briefing addressing their positions on these two cases. ECF No. 19.

Having considered DEFENSE MOTION TO DISMISS THE INDICTMENT (ECF No. 16), RESPONSE TO DEFENDANT'S MOTION TO DISMISS THE INDICTMENT (ECF 16) (ECF No. 17), AMENDED RESPONSE TO DEFENDANT'S MOTION TO DISMISS THE INDICTMENT (ECF 22), MR. CAMPBELL'S REPLY TO THE GOVERNMENT'S RESPONSE TO HIS MOTION TO DISMISS THE INDICTMENT (ECF No. 23), and the arguments made at the hearing on February 07, 2024, the Court incorporates and adopts Lane's holdings that Moore and Pruess are binding Fourth Circuit precedent and that felons are not part of "the people" under Bruen's first step. Alternatively, the Court incorporates and adopts the full Bruen analysis in Coleman. Accordingly, it is hereby ORDERED that DEFENSE MOTION TO DISMISS THE INDICTMENT (ECF No. 16) is denied.

It is so ORDERED.

\_\_\_\_\_/s/ REP  
Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: February 15, 2024