

APPENDICES

Appendix A: Order of the court of appeals

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United States v. Brown, No. 3:23-cr-00146-DJN, ECF Doc. 17 (E.D. Va.
Nov. 27, 2023) 5a

FILED: June 12, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-4295
(3:23-cr-00146-DJN-1)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

NATHANIEL J. BROWN, a/k/a Nathaniel Jay Brown,

Defendant - Appellant.

O R D E R

Nathaniel Jay Brown 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 Brown to 27 months' imprisonment. Brown now appeals, and consistent with his conditional plea agreement, challenges his § 922(g)(1) conviction as 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).

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 Brown presents on appeal are “manifestly unsubstantial” after *Canada* and *Hunt*. See 4th Cir. R. 27(f)(1). Although Brown concedes that *Canada* and *Hunt* defeat his Second Amendment arguments, he nevertheless opposes summary affirmance.

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

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

For the Court

/s/ Nwamaka Anowi, Clerk

* 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). Brown does not argue that either circumstance is present here.

FILED: June 12, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-4295
(3:23-cr-00146-DJN-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

NATHANIEL J. BROWN, a/k/a Nathaniel Jay Brown

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. 3:23cr146 (DJN)

NATHANIEL J. BROWN,
Defendant.

ORDER
(Denying Motion to Dismiss)

This matter comes before the Court on Nathaniel J. Brown's ("Defendant") Motion to Dismiss the Indictment Under *Bruen* (ECF No. 16). 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. 16).

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: November 27, 2023