

APPENDICES

Appendix A: Order of the court of appeals

United States v. Coles, No. 24-4188, ECF Doc. 44 (4th Cir. June 12, 2025) 1a

Appendix B: Judgment of the court of appeals

United States v. Coles, No. 24-4188, ECF Doc. 45 (4th Cir. June 12, 2025) 3a

Appendix C: Order of the district court

United States v. Coles, No. 3:23-cr-00115-JAG, ECF Doc. 25 (E.D. Va.
Nov. 6, 2023) 4a

FILED: June 12, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-4188
(3:23-cr-00115-JAG-1)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LENNIE EDWARD COLES, JR.,

Defendant - Appellant.

O R D E R

Lennie Edward Coles, Jr., appeals his conviction for possession of a firearm by a convicted felon, in violation of [18 U.S.C. § 922\(g\)\(1\)](#). He argues that § 922(g)(1) is facially unconstitutional and unconstitutional as applied to him following *New York State Rifle & Pistol Ass’n v. Bruen*, in which the Supreme Court held that a firearm regulation is valid under the Second Amendment only if it “is consistent with this Nation’s historical tradition of firearm regulation.” [597 U.S. 1, 17](#) (2022). The Government moves for summary affirmance in light of our recent decisions in *United States v. Canada*, in which we considered and rejected the same

argument, holding that “Section 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,” [123 F.4th 159, 161](#) (4th Cir. 2024) (internal quotation marks omitted), and *United States v. Hunt*, where we affirmed “the Supreme Court’s repeated instruction that longstanding prohibitions ‘on the possession of firearms by felons . . . are presumptively lawful,’” [123 F.4th 697, 708](#) (4th Cir. 2024) (citing *United States v. Rahimi*, [602 U.S. 680, 699](#) (2024)), *petition for cert. filed*, No. 24-6818 (U.S. Mar. 20, 2025). The Government contends that Coles’s arguments on appeal are foreclosed by *Canada* and *Hunt*, and thus, are “manifestly unsubstantial.” See [4th Cir. R. 27\(f\)\(1\)](#). Coles concedes that his arguments are foreclosed but nevertheless opposes summary affirmance.

Because the only issues raised in Coles’s appeal are foreclosed by our decisions in *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 Harris, Judge Heytens, and Senior Judge Floyd.

For the Court

/s/ Nwamaka Anowi, Clerk

FILED: June 12, 2025

UNITED STATES COURT OF APPEALS
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No. 24-4188
(3:23-cr-00115-JAG-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

LENNIE EDWARD COLES, JR.

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 Action No. 3:23cr115

LENNIE EDWARD COLES, JR.,
Defendant.

ORDER

This matter comes before the Court on two motions, filed by the defendant, Lennie Edward Coles, Jr.: (1) a consent motion to continue the trial and (2) a motion to dismiss Count Three of the indictment pursuant to *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022). (ECF Nos. 16, 21.)

Upon due consideration, this Court ADOPTS the reasoning set forth in *United States v. Coleman*, No. 3:22cr87, 2023 WL 6690935 (E.D. Va. Oct. 12, 2023) (Novak, J.), and DENIES the motion to dismiss Count Three of the indictment. (ECF No. 16.) In the alternative, the Court ADOPTS the reasoning set forth in *United States v. Lane*, No. 3:23cr62, 2023 WL 5663084 (E.D. Va. Aug. 31, 2023) (Young, J.), or *United States v. Williams*, No. 3:22cr158, 2023 WL 6368971 (E.D. Va. Sept. 28, 2023) (Hudson, J.).

Further, the Court DENIES the consent motion to continue the trial scheduled for November 13–14, 2023. (ECF No. 21.)

It is so ORDERED.

Let the Clerk send a copy of this Order to all counsel of record.

Date: 6 November 2023
Richmond, VA

/s/
John A. Gibney, Jr.
Senior United States District Judge