

APPENDICES

Appendix A: Order of the court of appeals

United States v. Redd, No. 25-4042, ECF Doc. 25 (4th Cir. June 17, 2025) 1a

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United States v. Redd, No. 3:24-cr-00056-DJN, ECF Doc. 18 (E.D. Va.
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FILED: June 17, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-4042
(3:24-cr-00056-DJN-1)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PIERRE DEMETRIUS REDD,

Defendant - Appellant.

O R D E R

Pierre Demetrius Redd pleaded guilty, pursuant to a conditional plea agreement, to possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g)(1). The district court sentenced Redd to 160 months' imprisonment. Redd 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, Redd asserted that § 922(g)(1) is both facially unconstitutional and unconstitutional as applied to him under the Second Amendment, and he relied on

the Supreme Court’s decision in *New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022). Redd 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), *cert. denied sub nom. Hunt v. United States*, No. 24-6818, 2025 WL 1549804 (U.S. June 2, 2025), which held that as-applied Second Amendment challenges to § 922(g)(1) are generally not viable.* The Government contends that the only issues Redd presents on appeal are “manifestly unsubstantial” after *Canada* and *Hunt*. See 4th Cir. R. 27(f)(1). Although Redd concedes that *Canada* and *Hunt* defeat his Second Amendment arguments, he nevertheless opposes summary affirmance.

Because *Canada* and *Hunt* foreclose the only issues that Redd 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 [§] 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). Redd does not argue that either circumstance is present here.

Entered at the direction of the panel: Judge Gregory, Judge Quattlebaum, and
Judge Berner.

For the Court

/s/ Nwamaka Anowi, Clerk

FILED: June 17, 2025

UNITED STATES COURT OF APPEALS
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No. 25-4042
(3:24-cr-00056-DJN-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

PIERRE DEMETRIUS REDD

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. 3:24cr56 (DJN)

PIERRE DEMETRIUS REDD,
Defendant.

ORDER
(Denying Motion to Dismiss the Indictment)

This matter comes before the Court on Pierre Demetrius Redd’s (“Defendant”) Motion to Dismiss Count the Indictment Under *Bruen*, (ECF No. 17), where he presents both facial and as-applied challenges to the constitutionality of his indictment under 18 U.S.C. § 922(g)(1). In *United States v. Coleman*, 3:22cr87 (DJN), the Court issued a Memorandum Opinion (ECF No. 22) on this issue. There, the Court held that while felons are protected by the Second Amendment’s text as they are part of “the people,” there exists a sufficiently robust history to justify disarming them. Accordingly, the Court upheld § 922(g)(1) as constitutional both facially and as-applied under *Bruen* and dismissed the defendant’s motion to dismiss the indictment.

The Court adopts the reasoning of its Memorandum Opinion, (ECF No. 22), for two reasons. First, Defendant’s as-applied challenge is sufficiently similar to that in *United States v. Coleman*, 3:22cr87 (DJN), and the Court incorporates its reasoning to deny his as-applied challenge accordingly.¹ Second, the Court held that 18 U.S.C. § 922(g)(1) was facially constitutional in *Coleman*, a holding that has likewise been recently adopted by the Fourth


¹ Because the Government has filed substantially identical pleadings on this issue in other cases, the Court has decided to rule on this motion in advance of the Government’s responsive pleading.

Circuit in *United States v. Canada*, No. 22-4519 (4th Cir. 2024 June 3, 2024).² Accordingly, the Court hereby DENIES Defendant's facial and as-applied challenges to the constitutionality of his indictment under 18 U.S.C. § 922(g)(1). (ECF No. 17.)

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



Alexandria, Virginia
Dated: June 24, 2024

² The Court likewise recognizes the Supreme Court's recent Opinion in *United States v. Rahimi*, 602 U.S. ____ (2024), where the Supreme Court upheld the constitutionality of 18 U.S.C. § 922(g)(8) under *Bruen*. Nothing in *Rahimi* disturbs either the Fourth Circuit's holding in *Canada* nor the Court's holding in *Coleman*.