

APPENDIX B

United States v. Ketzner, No. 24-1458, unpublished (10th Cir. June 9, 2025)

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

June 9, 2025

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JASON KETZNER,

Defendant - Appellant.

No. 24-1458
(D.C. No. 21-CR-00036-GPG-JMC-1)
(D. Colo.)

ORDER AND JUDGMENT*

Before **FEDERICO, BALDOCK**, and **MURPHY**, Circuit Judges.**

After a grand jury indicted Jason Ketzner of being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1), Ketzner moved to dismiss the indictment, challenging the statute on Second Amendment grounds. The district court denied Ketzner's motion, concluding Tenth

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Federal Rule of Appellate Procedure 32.1 and Tenth Circuit Rule 32.1.

** After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

Circuit precedent foreclosed such a challenge. Ketzner entered a conditional guilty plea without a plea agreement, reserving his right to appeal the denial of the motion to dismiss. And indeed, Ketzner raises one issue on appeal, which is the same constitutional challenge previously raised. But we cannot ignore our recent decision to reaffirm the constitutionality of § 922(g)(1). *See Vincent v. Bondi*, 127 F.4th 1263, 1265–66 (10th Cir. 2025). Applying this precedent, as we are bound to do, we thus exercise jurisdiction under 28 U.S.C. § 1291 and AFFIRM.

Entered for the Court

Richard E.N. Federico
Circuit Judge

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

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June 09, 2025

Mrs. Deborah Lynn Roden
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RE: 24-1458, United States v. Ketzner
Dist/Ag docket: 1:21-CR-00036-GPG-JMC-1

Dear Counsel:

Enclosed is a copy of the order and judgment issued today in this matter. The court has entered judgment on the docket pursuant to Fed. R. App. P. Rule 36.

Pursuant to Fed. R. App. P. Rule 40(d)(1), any petition for rehearing must be filed within 14 days after entry of judgment. Please note, however, that if the appeal is a civil case in which the United States or its officer or agency is a party, any petition for rehearing must be filed within 45 days after entry of judgment. Parties should consult both the Federal Rules and local rules of this court with regard to applicable standards and requirements. In particular, petitions for rehearing may not exceed 3900 words or 15 pages in length, and no answer is permitted unless the court enters an order requiring a response. *See* Fed. R. App. P. Rule 40 and 10th Cir. R. 40 for further information governing petitions for rehearing.

Please contact this office if you have questions.

Sincerely,



Christopher M. Wolpert
Clerk of Court

cc: Kyle W. Brenton

CMW/jjh