

No. 25-5746

In the Supreme Court of the United States

KEVIN DWAYNE WOODS, JR.,

Petitioner,

vs.

STATE OF IOWA,

Respondent.

*On Petition For A Writ Of Certiorari
To The United States Supreme Court*

SUPPLEMENTAL BRIEF TO PETITION FOR A WRIT OF CERTIORARI

PARRISH KRUIDENIER, L.L.P.


Jessica Donels

Counsel of Record

2910 Grand Avenue

Des Moines, Iowa 50312

Telephone: (515) 284-5737

Facsimile: (515) 284-1704

Email: jdonels@parrishlaw.com

COUNSEL FOR PETITIONER

TABLE OF CONTENTS

TABLE OF AUTHORITIES	i
PETITIONER’S SUPPLEMENTAL BRIEF TO PETITION FOR WRIT OF CERTORARI	1
A. <i>United States v. Hemani</i> , 608 U.S. ____ (2026) controls this case.....	1
B. The Court should grant the Petition, vacate the Judgment, and remanding the case back to the Iowa Supreme Court with instructions to apply <i>Hemani</i>	5
CONCLUSION.....	5

TABLE OF AUTHORITIES

U.S. Supreme Court Cases

<i>Lawrence v. Chater</i> , 516 U.S. 163 (1996)	5
<i>United States v. Hemani</i> , 608 U.S. ____, 2026 WL 1751710 (Jun. 18, 2026)i, 1, 2, 3, 4, 5	
<i>United States v. Rahimi</i> , 602 U.S. 680 (2024).....	1, 4, 5

Statutes

18 U.S.C. § 922(g)(3)	1, 2, 3, 4
28 U.S.C. § 2106.....	5
Iowa Code § 724.8B.....	1, 3, 4

**PETITIONER'S SUPPLEMENTAL BRIEF TO PETITION FOR WRIT OF
CERTIORARI**

A. *United States v. Hemani*, 608 U.S. ____ (2026) controls this case.

In *United States v. Hemani*, this Court held that 18 U.S.C. § 922(g)(3) was unconstitutional as applied to Mr. Hemani, a gun owner who used marijuana “about every other day.” 608 U.S. ____, 2026 WL 1751710, at *4, *12 (Jun. 18, 2026). The Court first held that Mr. Hemani’s conduct was covered by the Second Amendment. *Id.* at *5. Next, it rejected the Government’s position that § 922(g)(3)’s “why” and “how” were sufficiently analogous to the historical laws it cited. *Id.* at *12. Each part of the *Hemani* ruling applies with equal weight to Mr. Woods’ case.

First, although the Government conceded the point, the Court held that the Second Amendment presumptively protected Mr. Hemani’s conduct. *Hemani*, 2026 WL 1751710, at *5. Section 922(g)(3) prohibited Mr. Hemani from possessing any firearm, for any purpose, as long as he maintained his “unlawful user” or “addict” status. *Id.* at *4. Just like in *United States v. Rahimi*, 602 U.S. 680, 701-02 (2024), the Court made crystal clear that the Second Amendment was implicated despite Mr. Woods’ criminal conduct: “After all, that statute bans a class of people including Mr. Hemani from possessing essentially any firearm for any purpose.” *Id.*

Iowa Code § 724.8B, the statute at issue here, has the same effect. Section 724.8B prohibited Mr. Woods from *possessing* a firearm while he also “possess[ed] a controlled substance.” Iowa Code § 724.8B. In Mr. Woods’ case, that “controlled substance” was a personal use amount of marijuana. App. at 51 (McDermott, J.,

dissenting). A majority of the Iowa Supreme Court nonetheless agreed that Mr. Woods’s conduct was *not* presumptively protected by the Second Amendment. *See* App. at 20–21 (plurality op.), 36–37 (Oxley, J., concurring).

The plurality opinion held that the Second Amendment was not implicated because “the Constitution does not give anyone the right to be armed while committing a crime.” App. at 9 (quoting *United States v. Jackson*, 555 F.3d 635, 636 (7th Cir. 2009)). *Hemani* says otherwise. Mr. Hemani was alleged to be an “unlawful user” of marijuana. 2026 WL 1751710, at *4. In other words, he was committing a crime while in possession of a firearm. If the Iowa Supreme Court’s plurality were correct, that issue would have been dispositive in *Hemani*.

Justice Oxley’s controlling opinion made a similar mistake. She concluded “[t]he burden rests with Woods to show that the Second Amendment . . . protects his conduct of carrying a firearm while illegally possessing marijuana as prohibited by Iowa Code section 724.8B.” App. at 43 (Oxley, J., concurring). While her framing was narrow than the plurality opinion, *Hemani*, again, says otherwise. Section 922(g)(3) precluded Mr. Hemani “from possessing essentially any firearm for any purpose.” *Hemani*, 2026 WL 1751710 at *4. Section 724.8B has a similar effect, as long as Mr. Woods possessed a personal amount of marijuana, he was unable to possess a firearm for any purpose.

Second, *Hemani* rejected the Government’s position that § 922(g)(3) had a historically analogous “why,” because the Government’s proposed analogs required a nexus between the underlying conduct and the firearm while § 922(g)(3) does not:

Given all this, it seems the government's historical laws targeted habitual drunkards not merely because they regularly used intoxicants, or even sometimes used them to excess. Instead, those laws focused on habitual drunkards because their drinking rendered them practically incapacitated and incapable of managing their affairs. And that hardly compares to whom §922(g)(3)'s unlawful user provision targets on the government's account. To be sure, the government construes the term "unlawful user" to embrace only "habitual or regular" users, not those who use drugs irregularly. Brief for United States 23–25. But even on that understanding, §922(g)(3) automatically disarms anyone who regularly uses any amount of any controlled substance for anything other than its "prescribed purpose." Tr. of Oral Arg. 57. The law, the government insists, does not require it to show that a particular individual is regularly incapacitated, much less incapable of conducting his affairs or a threat to himself or others. Put simply, on the government's telling, §922(g)(3) sweeps in large numbers of people without regard to whether their substance use has the kind of incapacitating effect on them that historical habitual drunkard laws normally required.

Hemani, 608 U.S. ___, 2026 WL 1751710, at *10.

Iowa Code § 724.8B suffers the same fatality. It prohibits Mr. Woods from *possessing* a firearm while he also "possess[ed] a controlled substance." Iowa Code § 724.8B. In Mr. Woods' case, that "controlled substance" was a personal use amount of marijuana. App. at 51 (McDermott, J., dissenting). The Iowa Supreme Court held that § 724.8B was constitutional as applied to Mr. Woods because *all* laws that punish criminal conduct along with the possession of a firearm fall beyond the Second Amendment's protections. *See* App. at 20–21 (plurality op.), 36–37 (Oxley, J., concurring).

Again, *Hemani* says otherwise. Like § 922(g)(3), there is nothing that limits § 724.8B to the bounds of the historical analogs the State relied on below. *See* App. at 56 (McDermott, J., dissenting). The State relied on Catholic disarmament laws to justify § 724.8B. *Id.* Those laws, like the ones cited by the Government in *Hemani*,

were intended to disarm a group of people categorically deemed to be dangerous. *Rahimi*, 602 U.S. at 773–74 (Thomas, J., dissenting). But, just like the Government in *Hemani*, the State of Iowa insists that § 724.8B “does not require it to show that a particular individual is regularly incapacitated, much less capable of conducting his affairs or a threat to himself or others.” *Hemani*, 608 U.S. ___, 2026 WL 1751710, at *7. This argument failed in *Hemani* and must fail here: Catholics are not like marijuana users in a historically relevant way. *Id.*

Third, *Hemani* held that § 922(g)(3) was unconstitutional as-applied because the Government’s historical analogs provided for some pre-deprivation process while § 922(g)(3) did not:

On the government’s account, the statute automatically divests an individual of his constitutional right to bear arms the moment he becomes an unlawful user and until he ends his drug use—all without any pre-deprivation process. To be sure, and as the government highlights, an unlawful user who violates this ban is entitled to a “full-dress criminal trial” before he can be imprisoned or permanently disarmed. But be that as it may, § 922(g)(3) offers an unlawful user no pre-deprivation process before his “‘temporary disarmament,’” the very burden the government says is akin to the burden of vagrancy, civil-commitment, and surety laws imposed on habitual drunkards.

Hemani, 608 U.S. ___, 2026 WL 1751710, at *10.

Like § 922(g)(3), Iowa Code § 724.8B lacks pre-deprivation process. Section 724.8B. *Hemani*, 608 U.S. ___, 2026 WL 1751710, at *10. The fact Mr. Woods was entitled to a full criminal trial later does not change the fact that the historical analogs provided for *more* expansive process. Section 724.8B’s “how” goes beyond what the Nation’s historical tradition of firearm regulation permitted. *Hemani*, 2026 WL 1751710, at *4, *10.

B. The Court should grant the Petition, vacate the Judgment, and remanding the case back to the Iowa Supreme Court with instructions to apply *Hemani*.

A GVR is a useful tool that this Court can employ to save judicial resources and give lower courts the opportunity to apply precedent that it did not have the opportunity to consider. *Lawrence v. Chater*, 516 U.S. 163, 167–68 (1996). This Court’s decision in *Hemani* is the type of intervening development that answers the question posed by the Petition for Writ of Certiorari, making this case no longer one “whose precedential significance” warrants this Court’s plenary review. *Id.* at 168, *see also* 28 U.S.C. § 2106. Remanding would save judicial resources, given that the controlling opinion in this case “rests upon a premise that [the Iowa Supreme Court] would reject if given the opportunity for further consideration” of *Hemani*. *Id.* at 167.

CONCLUSION

The Iowa Supreme Court was wrong below because it shifted the burden under the Second Amendment to the challenger, and incorrectly applied this Court’s historical analogues precedents as set forth in *Bruen* and *Rahimi*. *Hemani* makes the Iowa Supreme Court’s errors clear. This Court should grant Mr. Woods’ petition, vacate the Iowa Supreme Court’s judgment, and remand the case back to the Iowa Supreme Court with instructions to apply this Court’s decision in *Hemani*.

PARRISH KRUIDENIER, LLP

Jessica Donels
Counsel of Record
 2910 Grand Avenue
 Des Moines, Iowa 50312
 Telephone: (515) 284-5737
 Facsimile: (515) 284-1704
 Email: jdonels@parrishlaw.com