No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

KEVIN DEANE JONES,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Eleventh Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED[1]

1. Whether 18 U.S.C. § 922(g)(1), the statute permanently prohibiting possession of firearms by persons convicted of a crime punishable by imprisonment for a term exceeding one year, is subject to as-applied challenges under the Second Amendment.

2. Whether § 922(g)(1) is constitutional under the Second Amendment as applied to Mr. Jones, who had received a conditional pardon for his prior felony convictions, which were decades old and non-violent.

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[1] This first question in this petition raises the same issue as other petitions, including *Marshall v. United States*, No. 25-5259 (response requested Aug. 19, 2025).

The second question is similar to—but distinct from—petitions that turn on the availability and scope of an as-applied challenge. *See, e.g.*, *Howard v. United States*, No. 25-5220 (response requested Aug. 19, 2025) ("Whether 18 U.S.C. §922(g)(1) comports with the Second Amendment as applied to a defendant whose most serious prior felony conviction is drug trafficking?"); *Vincent v. Bondi*, No. 24-1155 ("Whether the Second Amendment allows the federal government to permanently disarm Petitioner Melynda Vincent, who has one seventeen-year-old nonviolent felony conviction for trying to pass a bad check.").

RELATED PROCEEDINGS

United States District Court (M.D. Fla.)

United States v. Jones, Case No. 6:22-cr-21-WWB-LHP-1

United States Court of Appeals (11th Cir.)

United States v. Jones, No. 23-10227

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Kevin Deane Jones respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Eleventh Circuit.

OPINION BELOW

The Eleventh Circuit's unpublished opinion affirming Mr. Jones's conviction on remand, *United States v. Jones*, No. 23-10227, 2025 WL 1903020 (11th Cir. July 7, 2025), is provided as Appendix A. This Court's order granting a petition for certiorari review, vacating the judgment below, and remanding for further proceedings is reported at 145 S. Ct. 432 (2024) (mem.), and is provided as Appendix B. The Eleventh Circuit's original opinion, *United States v. Jones*, No. 23-10227, 2024 WL 1554865 (11th Cir. Apr. 10, 2024), is unpublished and is provided as Appendix C.

JURISDICTION

The Eleventh Circuit issued its remand opinion on July 7, 2025. This Court has jurisdiction under 28 U.S.C. § 1254(1).

RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS

The Second Amendment to the United States Constitution states: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

Section 922(g)(1) of Title 18 to the United States Code states:

> It shall be unlawful for any person . . . who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year, . . . to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

INTRODUCTION

This Court's intervention is needed to resolve circuit splits on important questions of constitutional law: can a criminal defendant raise an as-applied Second Amendment challenge to 18 U.S.C. § 922(g)(1), and, if so, what parameters apply to such a challenge?

The Eleventh Circuit, where Mr. Jones was prosecuted, as well as the Fourth, Eighth, Ninth, and Tenth Circuits uphold the validity of § 922(g)(1) in all respects, effectively foreclosing the possibility of as-applied challenges. *See United States v. Dubois*, 139 F.4th 887, 892–94 (11th Cir. 2025) (*Dubois II*), *pet. for reh'g en banc denied*, No. 22-10829 (11th Cir. Sep. 2, 2025); *United States v. Hunt*, 123 F.4th 697, 708 (4th Cir. 2024), *cert. denied*, 145 S. Ct. 2756 (2025) (mem.); *United States v. Jackson*, 110 F.4th 1120, 1125 (8th Cir. 2024), *cert. denied*, 145 S. Ct. 2708 (2025) (mem.); *United States v. Duarte*, 137 F.4th 743, 759–62 (9th Cir. 2025) (en banc); *Vincent v. Bondi*, 127 F.4th 1263, 1265–66 (10th Cir. 2025), *pet. for cert. filed*, No. 24-1155 (May 12, 2025).

By contrast, the Third, Fifth, and Sixth Circuits recognize that individuals can bring as-applied challenges. *See Range v. U.S. Att'y Gen.*, 124 F.4th 218, 228–32 (3rd Cir. 2024) (en banc); *United States v. Diaz*,

116 F.4th 458, 467–72 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 2822 (2025) (mem.); *United States v. Williams*, 113 F.4th 637, 64–45, 657–63 (6th Cir. 2024). But even among those circuits, the courts differ in their methodology for determining whether § 922(g)(1) is unconstitutional as applied to individual defendants.

These disagreements demonstrate that further direction from this Court is needed after its decisions in *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022), and *United States v. Rahimi*, 602 U.S. 680 (2024). As the Eleventh Circuit has stated, it requires "clearer instruction from the Supreme Court before [it] may reconsider the constitutionality of section 922(g)(1)." *Dubois II*, 139 F.4th at 894. And that instruction is critical for individuals like Mr. Jones, whose prior felony convictions were decades old, non-violent, and the subject of a conditional pardon. This Court should grant certiorari.

STATEMENT OF THE CASE

Mr. Jones was charged on May 2, 2022 by superseding information with two offenses, one of which was possessing two firearms, specifically a Ruger SR .22 and a Keystone Sporting Arms "My First Rifle," knowing he was previously convicted of a felony, in violation of 18 U.S.C. § 922(g)(1). Doc. 53 at 1–2.[2] As prior offenses, the superseding information listed (1) three 1991 convictions for grand larceny, (2) four 1991 convictions for breaking and entering, (3) a 1991 conviction for uttering a forged check, and (4) two 1993 convictions for bad checks. *Id.* These convictions had been conditionally pardoned by the governor of the state where they were committed, but the right to possess firearms was not granted in the conditional pardon. Doc. 68 (PSR); Doc. 72.

He pleaded guilty to the firearm offense on May 10, 2022, prior to this Court's decision in *Bruen*. Doc. 59. He was sentenced on January 20,

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[2] "Doc." references the docket entries in Middle District of Florida Case No. 6:22-cr-21-WWB-LHP-1.

Mr. Jones was also charged with one count of knowingly possessing ricin, a biological agent, toxin, and delivery system, in violation of 18 U.S.C. § 175(b). Doc. 53 at 1. He pleaded guilty to the offense pursuant to an agreement and was sentenced to a 120-month sentence to run concurrent to the sentence for the § 922(g)(1) offense. Doc. 84 at 1–2.

2023 to a 120-month term of imprisonment. Doc. 84 at 1–2. Mr. Jones appealed his conviction and sentence to the Eleventh Circuit.

On appeal, Mr. Jones argued that his § 922(g)(1) conviction should be vacated because the statute is unconstitutional under the Second Amendment facially and as applied to him. He argued that the Eleventh Circuit's precedent in *United States v. Rozier*, 598 F.3d 768 (11th Cir. 2010), which held that § 922(g)(1) did not violate the Second Amendment, was abrogated by this Court's decision in *Bruen*. He also argued that he is a member of "the people" who enjoy rights under the Second Amendment, and his proposed course of conduct fell within the Second Amendment's plain text. As a result, his conduct was presumptively lawful under *Bruen*, and the government could not show § 922(g)(1) was consistent with this Nation's tradition of firearms regulation.

The Eleventh Circuit rejected Mr. Jones's argument: "[W]e recently rejected a similar argument and held that *Bruen* did not abrogate *Rozier*. . . . As a subsequent panel, we are bound by *Dubois*,[3] which forecloses

[3] *United States v. Dubois*, 94 F.4th 1284 (11th Cir. 2024) (*Dubois I*). This Court subsequently vacated *Dubois I* and remanded for further proceedings in light of *Rahimi*. *Dubois v. United States*, 145 S. Ct. 1041 (2025) (mem.). After supplemental briefing, the Eleventh Circuit reinstated its prior decision. *Dubois II*, 139 F.4th at 889.

Mr. Jones' *Bruen*-based challenge to his § 922(g)(1) conviction." *United States v. Jones*, No. 23-10227, 2024 WL 1554865, at *2 (11th Cir. April 10, 2024).

Mr. Jones petitioned for a writ of certiorari. This Court granted the petition, vacated the decision, and remanded to the Eleventh Circuit for further consideration in light of *Rahimi*. *Jones v. United States*, 145 S. Ct. 432 (2024) (mem.). On remand, the Eleventh Circuit held that it was foreclosed by *Dubois II*, *see supra* at 3 & 6 n.3, and affirmed Mr. Jones's felon-in-possession conviction. *United States v. Jones*, No. 23-10227, 2025 WL 1903020, at *1 (11th Cir. 2025).

REASONS FOR GRANTING THE WRIT

I. This Court's review is needed because the circuits are split on whether § 922(g)(1) is subject to an as-applied challenge under the Second Amendment, and, if it is, how to analyze that challenge.

After *Rahimi*, the courts of appeals had the opportunity to reevaluate their precedent on § 922(g)(1) and consider its constitutionality. But the opportunity did not result in consensus. Instead, the circuits are split on whether § 922(g)(1)'s categorical firearm ban is subject to as-applied challenges and, if it is, how to evaluate those challenges. Several circuits, like the Eleventh, hold that felons can never

exercise a Second Amendment right. Other circuits permit as-applied challenges but evaluate those challenges differently—one accepts capital punishment and forfeiture as historical analogues to permanent disarmament, one does not; one looks solely at the type of predicate felony, others look at additional facts about the defendant (but even then, differ on which party bears the burden to prove entitlement to exercise a Second Amendment right). No further percolation is necessary. The Court should grant certiorari review.

A. The Fourth, Eighth, Ninth, Tenth, and Eleventh Circuits do not allow as-applied challenges.

The Fourth, Eighth, Ninth, Tenth, and Eleventh Circuits have broadly upheld § 922(g)(1), foreclosing the possibility of viable as-applied challenges. *See Hunt*, 123 F.4th 697; *Jackson*, 110 F.4th 1120; *Duarte*, 137 F.4th 743; *Vincent*, 127 F.4th 1263; *Dubois II*, 139 F.4th 887.

1. In *Hunt*, the Fourth Circuit applied its pre-*Bruen* rationale that "people who have been convicted of felonies are outside the group of 'law-abiding responsible citizen[s]' that the Second Amendment protects." 123 F.4th at 704 (quoting *United States v. Moore*, 666 F.3d 313, 319 (4th Cir. 2012)). The circuit concluded that "*Bruen* and *Rahimi* . . . provide no basis . . . to depart from [its] previous rejection of the need for

any case-by-case inquiry about whether a felon may be barred from possessing firearms." *Id.*; *see id.* at 705 (explaining that § 922(g)(1) does not "regulate activity within the scope of the Second Amendment"). The Fourth Circuit also reasoned that it would reach the same conclusion if it applied *Bruen*'s historical test because "legislatures traditionally employed status-based restrictions to disqualify categories of persons from possessing firearms." *Id.* at 705 (internal quotation marks omitted).

2. In *Jackson*, the Eighth Circuit held that "history supports the authority of Congress to prohibit possession of firearms by persons who have demonstrated disrespect for legal norms of society," such as those convicted of a felony. 110 F.4th at 1127. Alternatively, the circuit reasoned that disarmament by classification was proper because "[l]egislatures historically prohibited possession by categories of persons based on a conclusion that the category as a whole presented an unacceptable risk of danger if armed," with "no requirement for an individualized determination of dangerousness as to each person in a class of prohibited persons." *Id.* at 1128.

3. In *Duarte*, the Ninth Circuit found a historical tradition of "permanent and categorical disarmament of felons," and joined the

Fourth and Eighth Circuits' conclusions that § 922(g)(1) is constitutional as to "all" felons:

> Legislatures have historically retained the discretion to punish those who commit the most severe crimes with permanent deprivations of liberty, and legislatures could disarm on a categorical basis those who present a "special danger of misuse" of firearms. *Rahimi*, 602 U.S. at 698. We agree with the Fourth and Eighth Circuits that either historical tradition is sufficient to uphold the application of § 922(g)(1) to all felons. *See Jackson*, 110 F.4th at 1127–28; *Hunt*, 123 F.4th at 706.

137 F.4th at 761.

4. In *Vincent*, the Tenth Circuit reaffirmed its pre-*Bruen* conclusion that § 922(g)(1) is constitutional. 127 F.4th at 1265–66 (concluding *Rahimi* did not abrogate *United States v. McCane*, 573 F.3d 1037 (10th Cir. 2009)). The Tenth Circuit explained that even "nonviolent offenders" cannot challenge § 922(g)(1) as applied to them, because such challenges are unavailable under *McCane*. *Id.* at 1266.

5. Finally, in *Dubois II*, which the court below relied on to affirm Mr. Jones's conviction, the Eleventh Circuit reaffirmed its pre-*Bruen* precedent holding that § 922(g)(1) is constitutional and allows for categorical disarmament of groups of persons, including nonviolent

felons. *Dubois II*, 139 F.4th at 892–94 (concluding neither *Bruen* nor *Rahimi* abrogated *Rozier*, 598 F.3d at 768).

B. The Third, Fifth, and Sixth Circuits allow as-applied challenges but differ as to their application.

By contrast, the Third, Fifth, and Sixth Circuits entertain as-applied challenges in § 922(g)(1) prosecutions. *See Range*, 124 F.4th at 228–32, *Diaz*, 116 F.4th at 467–72, *Williams*, 113 F.4th 637, 64–45, 657–63. But among those decisions, the reasoning and methodology for assessing an as-applied challenge differs, risking further confusion on how to evaluate the constitutionality of § 922(g)(1).

1. In *Range*, the Third Circuit held that the government had not met its burden of showing that § 922(g)(1) was consistent with the historical tradition of firearm regulation. 129 F.4th at 228. The court noted that the current version of § 922(g)(1)—which applies to all felons, not just "violent" felons—had been enacted in 1961 and thus "falls well short of 'longstanding' for purpose of demarcating the scope of the constitutional right." *Id.* at 229. The court rejected the government's attempt to rely on older historical "status-based restrictions" as analogies sufficient to justify disarmament of all felons under § 922(g)(1). *Id.* at 229–30. And the Third Circuit further rejected proposed analogies to the

Founding error practice of punishing non-violent crimes with death or forfeiture of weapons or estates. *Id.* at 231.

Emphasizing the narrow nature of its decision, the Third Circuit found § 922(g)(1) unconstitutional as applied to Range, given the nature of his prior offense, the age of his conviction, and the lack of evidence that he posed a physical danger to others. *Id.* at 232. Because the government failed to show a "longstanding history and tradition of depriving people like Range of their firearms," the Third Circuit held that § 922(g)(1) was unconstitutional as applied to Range. *Id.*

2. In *Diaz*, the Fifth Circuit also recognized as applied-challenges. 116 F.4th at 467–71. Unlike the Third Circuit, however, the Fifth Circuit embraced Founding-era capital punishment and forfeiture laws as historical analogies. *Id.* at 468–69. It also considered a small amount of "firearm-focused evidence," including two proposals from state constitutional conventions and colonial-era "going armed" statues that authorized forfeiture of weapons a punishment. *Id.* at 470–71. The court conducted its as-applied analysis by determining whether the individual's prior conviction was analogous to a felony at the Founding, and then asking whether disarmament would have been within the

historical tradition of punishment—specifically, capital punishment or estate forfeiture—for that analogous crime. 116 F.4th at 468–71.

Ultimately, the Fifth Circuit rejected Diaz's as-applied challenge. *Id.* at 468–70. Diaz had been convicted of vehicular theft, which the court analogized to horse theft, a crime that at the Founding "would have led to capital punishment or estate forfeiture." *Id.* at 469–70.

3. In *Williams*, the Sixth Circuit conducted a historical survey and concluded that "governments in England and colonial America long disarmed groups that they deemed to be dangerous." 113 F.4th at 657. But in each case, "individuals could demonstrate that their particular possession of a weapon posed no danger to peace." *Id.*

In light of that historical back drop, the Sixth Circuit recognized the availability of as-applied challenges but—unique among the courts of appeals—put the burden on the individual challenging the statute to "make an individualized showing that he himself is not actually dangerous." *Id.* at 663. According to that court, individuals are presumptively "dangerous" and thus will have a difficult time meeting their burden on an as-applied challenge if they have been convicted of crimes against the person—punished by death at the Founding—or a

crime inherently posing a threat of danger, including drug trafficking and burglary. *Id.* 658, 663. But the court did not so go far as to require a specific common-law crime match, instead instructing district courts to "make fact-specific dangerousness determinations after taking account of the unique circumstances of the individual, including the details of his specific conviction." *Id.* at 663.

Williams's history included two felony counts of aggravated robbery, both involving the use of a gun. *Id.* at 662. Because he had "availed himself of his constitutionally required opportunity to show he is not dangerous" and "his record demonstrates that he is dangerous," the Sixth Circuit rejected his as-applied challenge. *Id.* at 663.

II. The Court's review is needed because the decision below—refusing to consider Mr. Jones's Second Amendment challenge even though his prior felony convictions are decades old, non-violent, and the subject of a conditional pardon—is wrong.

Under *Bruen*'s historical test, as affirmed by *Rahimi*, the decision below cannot stand. Section 922(g)(1) violates the Second Amendment as applied to Mr. Jones because the Nation's historical tradition of firearms regulation does not permit the federal government to permanently

disarm someone based solely on the fact of decades-old non-violent convictions that have been conditionally pardoned.

A. The Eleventh Circuit failed to apply the history-and-tradition test required by *Bruen* and *Rahimi*.

For a firearms regulation to survive a Second Amendment challenge, "the government must affirmatively prove that its firearms regulation is part of the historical tradition that delimits the outer bounds of the right to keep and bear arms." *Bruen*, 597 U.S. at 19; *see also Rahimi*, 602 U.S. at 691–92. Even so, the Eleventh Circuit conducted no analysis of text, history, and tradition even after this Court instructed it to reconsider its decision in light of *Rahimi*.

Instead, the Eleventh Circuit relied on *Heller*'s dicta that felon disarmament laws are presumptively lawful. *Dubois II*, 139 F.4th at 891–93; *Jones*, 2025 WL 1903020, at *1 (relying on *Dubois II*). But *Heller* did not examine the historical justifications for such laws. *District of Columbia v. Heller*, 554 U.S. 570, 635 (2008). Nor did *Heller*, or any subsequent decision, define who enjoys rights under the Second Amendment. *Rahimi*, 602 U.S. at 701. And this Court did not accept that the simple fact that an individual may not be a "responsible," law-abiding citizen as a sufficient standard to remove him from the people protected

by the Second Amendment, as was argued by the government in *Rahimi*—and in Mr. Jones's case below. *Id.*; Br. of United States, *United States v. Jones*, No. 23-10227, 2023 WL 6847481, at *28 (11th Cir. Oct. 6, 2023) ("The Second Amendment's text shows that it codified a preexisting right to bear arms that covered only law-abiding, responsible citizens and therefore excluded convicted felons (such as Jones)."). As a result, the appellate court's reliance on dicta to categorically ban all Second Amendment challenges to § 922(g)(1) with no historical analysis was error.

Under a proper analysis, § 922(g)(1) cannot be constitutionally applied to Mr. Jones. There is no historical justification for excluding Mr. Jones from "the people" based on prior felony convictions that have been conditionally pardoned, nor is there a historical justification for permanently disarming him on this basis.

B. Mr. Jones is among "the people" described in the Second Amendment.

The phrase "the people" in the Second Amendment "unambiguously refers to all members of the political community, not an unspecified subset." *Heller*, 554 U.S. at 580. Felons are not "categorically excluded

from our national community" and fall within the amendment's scope. *Kanter v. Barr*, 919 F.3d 437, 453 (7th Cir. 2019) (Barrett, J., dissenting).

Indeed, as *Heller* explained, "the people" is a "term of art employed in select parts of the Constitution," including "the Fourth Amendment, . . . the First and Second Amendments, and . . . the Ninth and Tenth Amendments." 554 U.S. at 579–80. Indisputably, felons are among "the people" whose "persons, houses, papers, and effects" enjoy Fourth Amendment protection. U.S. Const. Amend. IV; *see United States v. Lara*, 815 F.3d 605, 609 (9th Cir. 2016). Felons likewise enjoy "the right of the people" to "petition the government for redress of grievances." U.S. Const. Amend. I; *see Entler v. Gregoire*, 872 F.3d 1031, 1039 (9th Cir. 2017). If a person with a felony conviction is one of "the people" protected by the First and Fourth Amendments, *Heller* teaches that such a person is one of "the people" protected by the Second Amendment too. *See, e.g.*, *Range*, 124 F.4th at 226–28.

C. The government cannot show a historical tradition of permanently disarming felons with decades-old convictions that were conditionally pardoned, and who have not been found to be a danger.

When examining a regulation's validity under the Second Amendment, "the appropriate analysis involves considering whether the

challenged regulation is consistent with the principles that underpin our regulatory tradition." *Rahimi*, 602 U.S. at 692. To evaluate whether a modern regulation is relevantly similar to what our tradition is understood to permit, courts should not require regulations be "dead ringers" or "historical twins." *Id.* Instead, "[w]hy and how the regulation burdens the right are central to th[e] inquiry." *Id.*

"[I]f laws at the founding regulated firearm use to address particular problems, that will be a strong indicator that contemporary laws imposing similar restrictions for similar reasons fall within a permissible category of regulations." *Id.* Even so, a modern-day regulation "may not be compatible with the [Second Amendment] right if it [imposes restrictions] to an extent beyond what was done at the founding." *Id.* Instead, a challenged regulation must "be analogous enough to pass constitutional muster." *Id.* (quoting *Bruen*, 597 U.S. at 30).

The government cannot show a relevant Founding-era analogue to either the "why" or the "how" of § 922(g)(1) as applied to Mr. Jones. As to the "why," no evidence has emerged of any significant Founding-era permanent firearms restrictions on citizens like Mr. Jones who were

convicted of non-violent offenses that have been conditionally pardoned. Joseph G.S. Greenlee, *The Historical Justification for Prohibiting Dangerous Persons from Possessing Arms*, 20 Wyo L. Rev. 249, 283 (2020). While the historical record suggests that dangerousness sometimes supported disarmament, conviction status alone did not connote dangerousness to the Founding generation. *Id.*

As to the "how," no Founding-era evidence has emerged of class-wide, lifetime bans on firearms possession merely because of conviction status. In fact, total bans on felon possession existed nowhere until at least the turn of the twentieth century. Kevin Marshall, *Why Can't Martha Stewart Have A Gun?*, 32 Harv. J.L. & Pub. Pol'y 695, 708 (2009). As then-Judge Barrett explained: "The best historical support for a legislative power to permanently dispossess all felons would be founding-era laws explicitly imposing-or explicitly authorizing the legislature to impose such a ban. But at least thus far, scholars have not been able to identify any such laws." *Kanter*, 919 F.3d at 454 (Barrett, J., dissenting).

Founding-era surety and forfeiture laws are not sufficiently analogous to § 922(g)(1) to survive Second Amendment scrutiny. Unlike § 922(g)(1), Founding-era surety laws at most temporarily deprived an

owner of his arms if he was found to pose a unique danger to others. *Bruen*, 597 U.S. at 55-59; *Rahimi*, 602 U.S. at 695–96. By contrast, § 922(g)(1) imposes a permanent ban on a class-wide basis, regardless of a class member's actual peaceableness. Nor were forfeiture laws like § 922(g)(1), because they involved forfeiture only of specific firearms. They did not prevent the subject from acquiring replacement arms or keeping other arms they already possessed. *See, e.g.*, Act of Dec. 21, 1771, ch. 540, N.J. Laws 343-44 (providing for forfeiture of hunting rifles used in illegal game hunting); Act of Apr. 20, 1745, ch. 3, N.C. Laws 69-70 (same).

For these reasons, the Eleventh Circuit's categorical rule disqualifying all felons—including Mr. Jones, whose prior felony convictions are decades old, non-violent, and had been conditionally pardoned—from exercising their Second Amendment right is without historical or textual support and is wrong.

III. The Court's review is needed because Mr. Jones's petition presents an important issue.

The Court should grant Mr. Jones's petition because the questions are vitally important. Section 922(g) "is no minor provision." *Rehaif v. United States*, 588 U.S. 225, 239 (2019) (Alito, J., dissenting). It accounts

for 12% of all federal criminal convictions. *See* U.S. Sent'g Comm'n, *Quick Facts: 18 U.S.C. § 922(g) Firearms Offenses* (Fiscal Year 2024), *available at* https://tinyurl.com/4djbwbyx (last accessed Sep. 23, 2025). Around 90% of all § 922(g) convictions in fiscal year 2024 were because of a prior felony conviction. *Id.*

Moreover, although the right to keep and bear arms is among the "fundamental rights necessary to our system of ordered liberty," *McDonald v. Chicago*, 561 U.S. 742, 778 (2010), felony convictions are "the leading reason" for background checks to result in the denial of this individual right, and over two million denials have taken place since the creation of the federal background-check system in 1998. *See* Crim. Justice Info. Servs. Div., Fed. Bureau of Investigation, U.S. Dep't of Justice, *National Instant Criminal Background Check System Operational Report 2020-2021*, at 18 (Apr. 2022), available at https://tinyurl.com/5yrbvjza (last accessed Sep. 23, 2025).

Whether the Second Amendment permits as-applied challenges to § 922(g)(1) convictions—and if so, how to conduct that as-applied analysis—is, therefore, exceptionally important. It is also a question on which courts have not been able to agree. *See* Part I, *supra*. Accordingly,

as the government previously stressed, there are "important interests in certainty regarding the constitutionality of one of the most-often enforced criminal statutes, which can only be provided by this Court resolving the question." Supp. Br. of Respondent, *Garland v. Range*, No. 23-374, 2024 WL 3258316, at *4 (June 26, 2024).

* * *

The ability to exercise a "fundamental right[ ] necessary to our system of ordered liberty," *McDonald*, 561 U.S. at 778, should not depend on whether a person lives in Florida or New Jersey. Yet the courts of appeals are hopelessly split on how to evaluate whether § 922(g)(1) is constitutional as applied to individual defendants. As the Eleventh Circuit has now twice stated,[4] further instruction from this Court is needed.

CONCLUSION

For the above reasons, Mr. Jones respectfully requests that this Court grant his petition for a writ of certiorari. Alternatively, he requests the Court hold his petition pending its decision on petitions raising the same or related issues, *see supra* at i n.1, and dispose of it accordingly.

[4] *See Dubois I*, 94 F.4th at 1293; *Dubois II*, 139 F.4th at 894.

Respectfully submitted,

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