No. 25-6267

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

ALPHONSO LATAUREAN JAMES — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA "et al." — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ALPHONSO LATAUREAN JAMES
(Your Name)

P.O. BOX 5000
YAZOO CITY FCI FACILITY
(Address)

YAZOO CITY, MS. 39194-5000
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

The questions presented for review are: (1) Is whether Application Note 14(b) unreasonably interprets the text of § 2K2.1(b)(6)(B), such that no deference to the commentary is justified. (2) Based on the Supreme Court's course of correction in how the constitutionality of firearms regulations is reviewed under the Second Amendment, 922(g)(1) is unconstitutional as applied to Mr. James. There is no relevantly similar analogue in the historical tradition for the 922(g)(1)'s permanent disbarment of all felons. As a result, Mr. James 922(g)(1) conviction violates the 2nd Amendment, and this Court should exercise its discretion and find that Mr. James, suffered plain error under "Rahimi Case", when the district court found facts necessary to establish the 922(g)(1) conviction.

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Casas, Jesus M.
Bailey, Lynn P.
Cummings, Jonas
Dudek, The Honorable Kyle C.
Eth, Simon R.
Hall, A. Fitzgerald
Handberg, Roger B.
Kahn, Conrad Benjamin
Lappan, James
Mizell, The Honorable Nicholas P.
Nebesky, Suzanne C.
Polster Chappell, The Honorable Sheri
Rhodes, David P.
United States Attorney General, Pam Bondi

No publicly traded company or corporation has an interest in the outcome of this petition for writ of certiorari.

RELATED CASES

USCA11 Case:23-11972-EE
United States v. Alphonso Lataurean James
and
Case: 2:22-CR-00116-SPC-KCD
Case From the United States District Court
Middle District of Florida, Fort Myers Division

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18 U.S.C. 922 (g)(1) as a person who had previously "been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year."

Second Amendment of the United States Constitutional states that "the right of the people to keep and bear Arms, shall not be infringed." U.S. Const. amend. II. text "guarantees the individual right to possess and carry weapons."

OTHER

See Appendix A, Table of Authorities, page iv, and v for Statutes and United States Sentencing Guidelines Provisions.

See Appendix B, Table of Authorities, page ii, and iii for other Cases, Statutes, and Sentencing Guidelines om page iii, an iv.

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[X] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is at Appendix , as well

[X] reported at Index to Appendices; or,

[ ] has been designated for publication but is not yet reported; or,

[ ] is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is unavailable to the Petitioner at this time.

[X] reported at The Clerk of the District Court; or,

[ ] has been designated for publication but is not yet reported; or,

[ ] is unpublished.

[ ] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[ ] reported at _____; or,

[ ] has been designated for publication but is not yet reported; or,

[ ] is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,

[ ] has been designated for publication but is not yet reported; or,

[ ] is unpublished.

JURISDICTION

[ ] For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was April 30th, of 2025.

[X] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[X] An extension of time to file the petition for a writ of certiorari was granted to and including October 28, 2025 (date) on August 28, 2025 (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[ ] For cases from **state courts:**

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

[ ] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The district court erred by overlooking Application Note 14(E). According to Note 14(E), "[i]n determining whether subsection (b)(6)(B)...applies, the court must consider the relationship between the instant offense and the other offense, consistent with relevant conduct principles." U.S.S.G. § 2K2.1, cmt. n. 14(E) (citing § 1B1.3(a)(1)-(4)). Note 14(E) negates any rule in which a gun is automatically deemed to be possessed "in connection with" another felony just because it is in "close proximity" to drugs.

As the Third Circuit did in Perez, the district court should have interpreted Note 14(B) in light of Note(E) to require that even if guns and drugs are in "close proximity," there must be some said relationship between them. Perez, 5 F.4th at 398-99. Because the said district court did not do that, it erred by applying subsection (b)(6)(B).

In light of Bruen, Rahimi, Moore, and founding era analogues for disarmament, § 922(g)(1) is unconstitutional as applied to Mr. James. Although Mr. James's prior convictions, none of those said convictions establishes a risk that Mr. James is or will be dangerous in the future to justify permanent disarmament. In the absence of an articulable and clear threat of dangerousness, the Second Amendment does not permit the government to Temporarily disarm an individual-much less permanently an individual. As such, the blanket and permanent nature of § 922(g)(1) is at odds with this country's said historical traditions and, as a result, in violation of the Second Amendment's "unqualified command." Bruen, 597 U.S. at 17. Therefore, this Court should vacate Mr. James's conviction as a violation of the Second Amendment as applied to this case.

STATEMENT OF THE CASE

This Court has summarily vacated several said sentencings in the wake of Rahimi, that are similarly situated, albeit outside of harmless error review: the record cannot be said to establish a harmless error, see Bruen, 597 U.S. at 17, Heller, 554 U.S. at 634. supra.

Accordingly, this Court should exercise its discretion and find that Mr. James, suffered plain error under Rahimi when the district court found facts necessary to establish the a said 922(g) conviction.

II. Given the historical understanding of the Second Amendment, § 922(g)(1) is unconstitutional as applied to the circumstances of Mr. James conviction.

Alphonso L. James pleaded guilty to unlawful possession of a firearm in violation of § 922(g)(1) as a person who had previously "been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year." In light of the historical understandings of the Second Amendment, however, § 922(g)(1) is unconstitutional as applied to Mr. James. Therefore, this Court should reverse and render Mr. James's § 922(g)(1) conviction as unconstitutional as applied to him.

The Second Amendment of the United States Constitutional states that "the right of the people to keep and bear Arms, shall not be

infringed." U.S. Const. amend. II. In *New York State Rifle & Pistol Ass'n. Inc., v. Bruen*, the Supreme Court—relying on its previous decisions in *District of Columbia v. Heller*, 554 U.S. 570 (2008), and *McDonald v. Chicago*, 561 U.S. 742 (2010)—held that together the Second and Fourteenth Amendments "protect an individual's right to keep and bear arms for self-defense." *New York State Rifle & Pistol Ass'n. Inc., v. Bruen*, 597 U.S. 1, 9-10; 17 (2022). Under *Bruen*, "the Constitution presumptively protects" an individual's right to keep and bear arms. *Id.* at 17. As a result, § 922(g)(1) is unconstitutional as applied to Mr. James because it infringes upon his Second and Fourteenth Amendment rights.

In *Heller*, the Supreme Court held that the Second Amendment's text "guarantees the individual right to possess and carry weapons." *Heller*, 554 U.S. at 592 (cleaned up). Following *Heller*, lower courts adopted a "two-step framework for analyzing Second Amendment challenges that combines history with means-end scrutiny." *Bruen*, 597 U.S. at 17 (cleaned up). *Bruen*, however, rejected the second step—applying means-end scrutiny—of this approach. *Id.* at 517.

In *Bruen*, the Supreme Court held that the only relevant question when reviewing the constitutionality of a firearms regulation is whether

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the "firearm regulation is consistent with this Nation's historical tradition." *Bruen*, 597 U.S. at 17. *Bruen* rejected the idea that policy interests play a role in determining the constitutionality of a firearm regulation. *Id.* The Second Amendment created an "unqualified command." *Id.* at 24. Therefore, means-end scrutiny is inappropriate for challenges to because "the very enumeration of the right takes out of the hands of government—even the Third Branch of Government—the power to decide on a case-by-case basis whether the right is really worth insisting upon." *Bruen*, 597 U.S. at 23 (quoting *Heller*, 554 U.S. at 634) (cleaned up).

To establish that a firearms regulation is constitutional, the government must show that the regulation concerns conduct outside the scope of the Second Amendment by proving that "a firearm regulation is consistent with this Nation's historical tradition" *Id.* at 17, 24 (quoting *Konigsberg v. State Bar of Cal.*, 366 U.S. 36, 50, n. 10 (1961)). If the government fails to do so, the regulation infringes upon "the Second Amendment's unqualified command." *Id.* at 17. Societal problems that are not consistent with the historical tradition cannot be used to undermine the "unqualified deference" afforded to the Second Amendment. *Id.* at 26-27.

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Bruen explained its test as:

> The test that we set forth in *Heller* and apply today requires courts to assess whether modern firearms regulations are consistent with the Second Amendment's text and historical understanding. In some cases, that inquiry will be fairly straightforward. For instance, when a challenged regulation addresses a general societal problem that has persisted since the 18th century, the lack of a distinctly similar historical regulation addressing that problem is relevant evidence that the challenged regulation is inconsistent with the Second Amendment. Likewise, if earlier generations addressed the societal problem, but did so through materially different means, that also could be evidence that a modern regulation is unconstitutional. And if some jurisdictions actually attempted to enact analogous regulations during this timeframe, but those proposals were rejected on constitutional grounds, that rejection surely would provide some probative evidence of unconstitutionality.

Bruen, 597 U.S. at 26.

Applying this test, "constitutional rights are enshrined with the scope they were understood to have when the people adopted them." *Id.* at 34 (quoting *Heller*, 554 U.S. at 634-35) (cleaned up). Therefore, the further removed from 1791—when the Second Amendment was adopted—a regulation appears in the historical record, the less force and authority it carries. *Id.* at 35-36; *see also Id.* at 37 (explaining that although the Fourteenth Amendment enforces the Second Amendment upon the States, the protections guaranteed through the Bill of Rights are tied to the understanding of those rights at the time the Bill of Rights was adopted). For

this reason, when "later history contradicts what the text says, the text controls." *Id.* at 36.

In *United States v. Rahimi*, the Supreme Court explained that *Bruen* requires that modern laws have a "relevantly similarly" analogue found in regulatory traditions. *United States v. Rahimi*, 602 U.S. 680, 492 (2024). This requires determining whether a modern law is "analogous enough to pass constitutional muster" by "applying faithfully the balance struck by the founding generation." *Id.* (cleaned up) (quoting *Bruen*, 597 U.S. 29; 30).

Under *Rahimi*, the government is not required to identify "a 'dead ringer' or a 'historical twin." *Id.* (quoting *Bruen*, 597 U.S. at 30). *Rahmi* explained that "if laws at the founding regulated firearm use to address particular problems" that can serve "as a strong indicator that contemporary laws imposing similar restrictions for similar reasons fall within a permissible category of regulations." *Id.* But "even when a law regulates arm-bearing for a permissible reason, [] it may not be compatible with the right if it does so to an extent beyond what was done at the founding." *Id.*

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Together *Bruen* and *Rahimi* require that the United States locate a sufficiently analogous historical regulation that justifies a modern regulation's infringement upon a person's Second Amendment rights. Historical analogues enacted contemporaneously with or shortly after the ratification of the Second Amendment provide a stronger basis for modern regulations. *Bruen*, 597 U.S. at 35-36. But the modern analogue's scope can't exceed that of its historical analogue.

Applying these principles to Mr. James's case reveals that § 922(g)(1)) is unconstitutional as applied to Mr. James.

First, Mr. James is one of the people covered by the Second Amendment. The Second Amendment's text, which controls, protects "the right of the people"—not the merely right of the those who have never broken the law. *See Rahimi*, 602 U.S. at 691 ("In *Heller*, our inquiry into the scope of the right began with 'constitutional text and history.' *Bruen*, 597 U.S. at 22.") As *Heller* acknowledged, "in all six other provisions of the Constitution that mention the people, the term unambiguously refers to all members of the political community, not an unspecified subset. *Heller*, 554 U.S. at 580 (cleaned up). As a result, the Second Amendment applies

"individually and belongs to all Americans"—including Mr. James, *Id.* at 581.

Second, § 922(g)(1) lacks the required basis in the historical tradition required under *Bruen* and *Rahimi* to permanently disarm Mr. James for a prior conviction. In 2011, the First Circuit recognized the relative recency of this type of disarmament: *United States v. Booker*, 644 F.3d 12, 23-24 (1st Cir. 2011).[4] Beginning in 1961, federal law barred anyone convicted of a crime punishable by a year or more in prison from owning a firearm. An Act to Strengthen the Federal Firearms Act, Publ. L. No. 87-372, 75 Stat. 757 (1961). The earliest version of the law in 1938 applied only to violent crimes. Pub. L. No. 75-785, §§ 1(6), 2(f), 52 Stat. 1250, 1250–51 (1938). Ultimately, "§ 922(g)(1) is firmly rooted in the twentieth century and likely bears little resemblance to laws in effect at the time the Second Amendment was ratified" *Booker*, 644 F.3d at 24. Given § 922(g)(1)'s 20th century origins—far removed from the time of the founding—the statute cannot survive *Bruen* absent an established

[4] At issue in *Booker* was the constitutionality of 18 U.S.C. § 922(g)(9). *Booker*, 644 F.3d at 22. *Booker*, however, predated *Bruen*'s course correction of Second Amendment analysis.

historical analogue from the time of the founding. *See Range v. Atty. Gen. U.S.*, 124 F.4th 218, 229 (3rd Cir. 2024) (en banc) (Even if the 1938 Act were "longstanding" enough to warrant *Heller*'s assurance—a dubious proposition given the *Rahimi* Court's focus on Founding-era sources." (quoting *Rahimi*, 602 U.S. at 983-95)).

In *Rahimi*, the Supreme Court held that 18 U.S.C. § 922(g)(8) is constitutional. *Rahimi*, 602 U.S. at 693. That provision prohibits individuals who are subject to a domestic violence restraining order from possessing firearms. § 922(g)(8)(A)-(C). *Rahimi* summarized its holding and rationale as:

> When a restraining order contains a finding that an individual poses a credible threat to the physical safety of an intimate partner, that individual may—consistent with the Second Amendment—be banned from possessing firearms while the order is in effect. Since the founding, our Nation's firearm laws have included provisions preventing individuals who threaten physical harm to others from misusing firearms. As applied to the facts of this case, Section 922(g)(8) fits comfortably within this tradition.

Rahimi, 602 U.S. at 690. Critical to this analysis was the temporary nature of the disarmament—"while the order is in effect"—and the articulated dangerousness—"individuals who threaten harm to others." *Id.*

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Rahimi found two sufficiently analogous historical regulations to support § 922(g)(8): (1) surety laws and (2) going armed laws. *Rahimi*, 602 U.S. at 694-98. Surety laws required the imposing of a bond to in lieu of being jailed when "there is probable ground to suspect [a person] of future misbehavior." *Id.* at 695-97. The bond served "to stipulate with and to give full assurance that such offence shall not happen." *Id.* (cleaned up). Some surety laws targeted firearms:

> In 1795, for example, Massachusetts enacted a law authorizing justices of the peace to "arrest" all who "go armed offensively [and] require of the offender to find sureties for his keeping the peace." 1795 Mass. Acts ch. 2, in Acts and Resolves of Massachusetts, 1794–1795, ch. 26, pp. 66–67 (1896). Later, Massachusetts amended its surety laws to be even more specific, authorizing the imposition of bonds from individuals "[who went] armed with a dirk, dagger, sword, pistol, or other offensive and dangerous weapon." Mass. Rev. Stat., ch. 134, § 16; see *ibid.* (marginal note) (referencing the earlier statute). At least nine other jurisdictions did the same. See *Bruen*, 597 U.S., at 56, and n. 23, 142 S.Ct. 2111.

Id. at 696. These laws, however, involved temporary disarmament and were not absolute. *Id.*

By their nature, surety bonds were temporary measures. As *Rahimi* noted: "Bonds could not be required for more than six months at a time, and an individual could obtain an exception if he needed his arms for self-defense or some other legitimate reason." *Id.* at 697 (citing Mass. Rev.

Stat., ch. 134, § 16). Once the period of the bond period lapsed, the temporary disarmament ended.

Going armed arms dealt with risks of violence. *Rahimi* explained that "the going armed laws prohibited riding or going armed, with dangerous or unusual weapons, to terrify the good people of the land." *Id.* (cleaned up). "'Such conduct disrupted the public order and led almost necessarily to actual violence.'" *State v. Huntly*, 25 N.C. 418, 421–422 (1843) (*per curiam*). Therefore, the law punished these acts with 'forfeiture of the arms and imprisonment.' 4 Blackstone 149." *Rahimi*, 602 U.S. at 697 (cleaned up).

Together these laws provided a sufficient historical analogue for a modern law that requires disbarment "once a court has found that the defendant represents a credible threat to the physical safety of another," but only on a temporary basis. *Id.* at 699 (cleaned up). Notably, the surety and going armed laws provided a more restrictive penalty than § 922(g)(8)'s "lesser restriction of temporary disarmament." *Rahimi*, 602 U.S. at 699. Based on these historical analogues, the Supreme Court had "no trouble concluding that Section 922(g)(8) survives Rahimi's facial challenge [because] our tradition of firearm regulation allows the

Government to disarm individuals who present a credible threat to the safety of others." *Id.* (cleaned up).

Rahimi's analysis on disarmament under § 922(g)(8), however, is not exactly analogous to as-applied challenge to § 922(g)(1). Section 922(g)(1) deprives Americans of the right to own a firearm **permanently**. Under its terms, the statute forever prohibits a convicted felon from owning a firearm with no consideration of the underlying conduct or any sort of ongoing assessment of a defendant's dangerousness to the community. This permanent disarmament differs remarkably from the temporary disarmament at issue in *Rahimi*.

A critical fact in *Rahimi*'s analysis turned on the temporary nature of the disarmament. The analogue to surety bonds was sufficient because "like the surety bonds of limited duration, Section 922(g)(8)'s restriction was temporary as applied to Rahimi." *Rahimi*, 602 U.S. at 699. As the Supreme Court noted, § 922(g)(8)'s disbarment lasts only "as long as the defendant is subject to a restraining order." *Id.* (cleaned up); *see Range*, 124 F.4th at 230 ("*Rahimi* did bless disarming (at least temporarily) physically dangerous people." (emphasis added).

Moreover, the Third Circuit has recently rejected the idea that the fact that the founding era frequently relied on capital punishment—the definition of a permanent punishment—for felonies creates an analogue for permanent disarmament. *Range*, 124 F.4th at 231.

> Yet the Founding-era practice of punishing some nonviolent crimes with death does not suggest that the *particular* (and distinct) punishment at issue here—de facto lifetime disarmament for all felonies and felony-equivalent misdemeanors—is rooted in our Nation's history and tradition. Though our dissenting colleagues read *Rahimi* as blessing disarmament as a lesser punishment generally, the Court did not do that. Instead, it authorized temporary disarmament as a sufficient analogue to historic temporary imprisonment *only* to "respond to the use of guns to threaten the physical safety of others." *Compare Rahimi*, 144 S. Ct. at 1902, *with United States v. Diaz*, 116 F.4th 458, 469–70 (5th Cir. 2024) (similarly broad reasoning).

Id.

Nor does § 922(g)(1)'s permanent disarmament allow for any reconsideration of whether an individual remains a credible threat to the safety of others. *See Rahimi*, 602 U.S. at 702 ("An individual found by a court to pose a credible threat to the physical safety of another may be temporarily disarmed consistent with the Second Amendment."). While a judicial finding of potential dangerousness may justify temporary disarmament under § 922(g)(8), there is no similar support for § 922(g)(1)'s

permanent disarmament—particularly where the underlying felony involved non-violent conduct. *Rahimi*'s rationale for allowing temporary disbarment based on "a clear threat of physical violence of another" collapses when applied to individuals barred from firearm possession based on non-violent conduct.

While Mr. James has multiple prior convictions, those convictions—standing alone—do not establish that Mr. James presents a risk of ongoing cr future dangerousness. Mr. James has been disarmed for the sole fact that he's been convicted of a felony—regardless of whether he's dangerous or not. The Second Amendment does not allow 922(g) to operate in this way.

The Supreme Court has acknowledged rehabilitation as genuine goal of imprisonment. *Ewing v. California*, 538 U.S. 11, 25 (2003) ("A sentence can have a variety of justifications, such as incapacitation, deterrence, retribution, or rehabilitation. *See* 1 W. LaFave & A. Scott, Substantive Criminal Law § 1.5, pp. 30-36 (1986) (explaining theories of punishment)"). If rehabilitation holds any value to society, then permanent disbarment without any consideration or acknowledgement of a person's potential rehabilitation is at odds with that goal. As *Rahimi* demonstrated,

founding era laws involved temporary disarmament—not permanent disbarment—and that temporary restriction was based on articulated concerns of violence. *Rahimi*, 602 U.S. at 698-99.

In *United States v. Moore*, the Third Circuit recently addressed § 922(g)(1) in a manner instructive for Mr. James's case. *United States v. Moore*, 111 F.4th 266 (3rd. Cir. 2024). There, the Third Circuit held that § 922(g)(1) was constitutional as-applied to Moore because Moore possessed a firearm while on supervised release from a prior conviction. *Id.* at 273. The Third Circuit held that Moore is protected by the Second Amendment because he is "an adult citizen"—meaning "the Government bears the burden of justifying" § 922(g)(1). *Moore*, 111 F.4th at 268-69.

Looking to historical regulations, the Third Circuit located the historical analogues required by *Bruen* and *Rahimi* to justify § 922(g)(1)'s constitutionality as applied to Moore. *Moore*, 111 F.4th at 269-70. The Court explained that:

> The bottom line is this: during the founding era, forfeiture laws temporarily disarmed citizens who had committed a wide range of crimes. Convicts could be required to forfeit their weapons and were prevented from reacquiring arms until they had finished serving their sentences. This historical practice of disarming a convict during his sentence—or as part of the process of qualifying for pardon—is like temporarily disarming a convict on supervised release.

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> After all, "the defendant receives a term of supervised release thanks to his initial offense, and it constitutes a part of the final sentence for his crime." *United States v. Haymond*, 588 U.S. 634, 648, 139 S. Ct. 2369, 204 L.Ed.2d 897 (2019) (plurality opinion); *see also United States v. Island*, 916 F.3d 249, 252 (3d Cir. 2019) ("The supervised release term constitutes part of the original sentence.") (cleaned up). Consistent with our Nation's history and tradition of firearms regulation, we hold that convicts may be disarmed while serving their sentences on supervised release.

Id. at 271 (cleaned up) (internal footnote omitted).

Moore is applicable to Mr. James's case in two major aspects. First, the Third Circuit's recognition of the fact that, despite his felon status, Moore remained within the protections of the Second Amendment—not outside its protections. *Id.* at 269. Second, the Third Circuit's focus on temporary disarmament during the duration of Moore's sentence—including supervised release. *Id.* at 271-72. The disarmament upheld in *Moore* was temporary, not permanent.

In light of *Bruen*, *Rahimi*, and founding era analogues for disarmament, § 922(g)(1) is unconstitutional as applied to Mr. James . Although Mr James's prior convictions, none of those convictions establishes a risk that Mr. James is or will be dangerous in the future to justify permanent disarmament. In the absence of an articulable and "clear threat" of dangerousness, the Second Amendment does not permit the government to

temporarily disarm an individual—much less permanently disarm an individual.

As such, the blanket and permanent nature of § 922(g)(1) is at odds with this country's historical traditions and, as a result, in violation of the Second Amendment's "unqualified command." *Bruen*, 597 U.S. at 17. Therefore, this Court should vacate Mr. James's conviction as a violation of the Second Amendment as applied to this case.

REASONS FOR GRANTING THE PETITION

First reason for granting the petition is: (1) Despite Mr. James's felon status, he remained within the protections of the Second Amendment---not outside its protections. And second said reason is that the disarmament was only temporary, not permanent.

In light of Bruen, Rahimi, Moore, and founding era analogues for disarmament, § 922(g)(1) is unconstitutional as applied to Mr. James. Although Mr. James's prior convictions, none of these convictions establishes a risk that Mr. James is or will be dangerous in the future to justify permanent disarmament. In the absence of an articulable and clear threat of dangerousness, the Second Amendment does not permit the government to temporarily disarm an individual--much less permanently disarm an individual.

As such, the blanket and permanent nature of § 922(g)(1) is at odds with this country's historical traditions and, as a result in violation of the Second Amendment's "unqualified command". see Bruen, 597 U.S. at 17. Therefore, this Court should vacate Mr. James's conviction as a violation of the Second Amendment as applied to this case.

Based on the foregoing Mr. Alphonso Lataurean James humbly asks this Honorable Court to vacate his conviction or sentence and remand for new proceedings. Respectfully submitted.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A. James

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Respectfully submitted,

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