

No. \_\_\_\_\_

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IN THE  
**Supreme Court of the United States**

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DONNELL S. DURHAM,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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ON PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

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**APPENDIX TO PETITION FOR WRIT OF CERTIORARI**

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Kimberly H. Albro  
*Counsel of Record*  
Assistant Federal Public Defender  
FEDERAL PUBLIC DEFENDER'S OFFICE  
DISTRICT OF SOUTH CAROLINA  
1901 Assembly Street, Suite 200  
Columbia, South Carolina 29201  
Telephone: (803) 765-5088  
Email: Kimberly\_Albro@fd.org

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UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 23-4658  
(0:22-cr-00614-SAL-1)

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DONNELL S. DURHAM, a/k/a Scott G. Dunham,

Defendant - Appellant.

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O R D E R

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Donnell S. Durham pled guilty without a plea agreement to possession of a firearm and ammunition by a convicted felon, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2), (e). The district court sentenced Durham to 180 months' imprisonment and 3 years' supervised release. Durham now appeals and argues that § 922(g)(1) is facially unconstitutional following *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022). The Government moves for summary affirmance based on *United States v. Canada*, 123 F.4th 159, 160-62 (4th Cir. 2024), in which this court

rejected a facial Second Amendment challenge to § 922(g)(1). The Government contends that Durham’s issue on appeal is “manifestly unsubstantial” after *Canada*. See 4th Cir. R. 27(f)(1). Although Durham concedes that *Canada* defeats his Second Amendment argument, he nevertheless opposes summary affirmance.

Because *Canada* forecloses the only issue that Durham pursues on appeal, we conclude that summary affirmance is proper. We therefore grant the Government’s motion for summary affirmance.

Entered at the direction of the panel: Judge Thacker, Judge Benjamin, and Senior Judge Traxler.

For the Court

/s/ Nwamaka Anowi, Clerk

FILED: September 18, 2025

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 23-4658  
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UNITED STATES OF AMERICA

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JUDGMENT

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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