No. _____

In the

Supreme Court of the United States

_____

Mickey Doster,

Petitioner,

v.

United States of America,

Respondent.

_____

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

_____

PETITION FOR A WRIT OF CERTIORARI

_____

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QUESTION PRESENTED

Whether 18 U.S.C. § 922(g)(1) violates the Second Amendment on its face or as applied to Petitioner.

PARTIES TO THE PROCEEDING

Petitioner is Mickey Doster, who was the Defendant-Appellant in the court below. Respondent, the United States of America, was the Plaintiff-Appellee in the court below.

RELATED PROCEEDINGS

- *United States v. Doster*, No. 3:24-cr-82, U.S. District Court for the Southern District of Mississippi. Judgment entered May 1, 2025.
- *United States v. Doster*, No. 25-60258, U.S. Court of Appeals for the Fifth Circuit. Judgment entered Dec. 3, 2025.

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PETITION FOR A WRIT OF CERTIORARI

Mickey Doster seeks a writ of certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit.

OPINION BELOW

The Fifth Circuit's opinion is reported at 2025 WL 3473357 and is reproduced in Appendix A at App.1a–4a.

JURISDICTION

The Fifth Circuit entered its judgment on December 3, 2025. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

PROVISIONS INVOLVED

The Second Amendment provides: "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." U.S. CONST. amend. II.

Section 922(g)(1) of Title 18 of the United States Code provides, in relevant part: "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 … possess in or affecting commerce, any firearm or ammunition."

STATEMENT

A. Legal background

1. The Second Amendment guarantees "the right of the people to keep and bear Arms." U.S. CONST. amend. II. The federal felon-in-possession ban denies that right to anyone previously convicted of a crime punishable by imprisonment for a term exceeding one year. *See* 18 U.S.C. § 922(g)(1).

2. These constitutional and statutory texts conflict, but Second Amendment challenges to § 922(g)(1) have historically failed. *See United States v. Moore*, 666 F.3d 313, 316–17 (4th Cir. 2012) (collecting cases).

3. A trio of this Court's opinions suggests a different outcome. First, in *District of Columbia v. Heller*, 554 U.S. 570, 635 (2008), this Court held that the Second Amendment guarantees individuals the right to keep and bear arms for self-defense.

4. Second, in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1 (2022), this Court established a framework for evaluating regulations that implicate the Second Amendment. The Court emphasized that the appropriate focus is the Second Amendment's "text, as informed by history." *Id.* at 19. It held that "[w]hen the Second Amendment's plain text covers an individual's conduct," the burden shifts to the government to "justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation." *Id*. at 24.

5. Third, in *United States v. Rahimi*, 602 U.S. 680 (2024), the Court applied the *Bruen* framework. It emphasized that "the appropriate analysis involves considering whether the challenged regulation is consistent with the principles that

underpin our regulatory tradition." *Id.* at 692. That analysis, in turn, involves ascertaining "whether the new law is 'relevantly similar' to laws that our tradition is understood to permit, 'apply[ing] faithfully the balance struck by the founding generation to modern circumstances.'" *Id.* (quoting *Bruen*, 597 U.S. at 29).

To determine whether historical analogues are relevantly similar, courts must train their focus on "[w]hy and how the regulation burdens the right" to keep and bear arms. *Rahimi*, 602 U.S. at 692. A regulation may satisfy the "why" inquiry "if laws at the founding regulated firearm use to address particular problems." *Id.* But satisfying the "why" is not sufficient: "[e]ven when a law regulates arms-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.* The Court emphasized that a challenged regulation need not be a "dead ringer" for a historical precursor, but it "must comport with the principles underlying the Second Amendment." *Id.*

B. Factual background

1. Mickey Doster was charged by indictment with one count of possession of a firearm by a person who has previously been convicted of a crime punishable by imprisonment for a term exceeding one year, in violation of § 922(g)(1). ROA.120–23 (indictment). Doster had prior convictions for business burglary, grand larceny (for unlawfully taking a motor vehicle), and motor vehicle theft. *See* ROA.89 (order on motion to dismiss), 227–31 (presentence report).

2. Doster moved to dismiss the indictment, arguing that § 922(g)(1) is unconstitutional on its face and as applied to him in light of the Supreme Court's decision in *Bruen*. ROA.34–49; *see also* ROA.70–80 (Doster's reply). The government

opposed the motion. ROA.57–69. The district court denied Doster's motion, relying on Fifth Circuit precedent upholding § 922(g)(1) as applied to individuals with a previous conviction for motor vehicle theft. ROA.90–92.

Doster pleaded guilty to the indictment pursuant to a plea agreement. ROA.103 (judgment), 134–35 (change of plea), 211–15 (plea agreement), 216–20 (plea supplement). He reserved his right to appeal the district court's ruling denying his motion to dismiss. ROA.137 (change of plea), 213 (plea agreement).

The district court sentenced Doster to time served pending placement in a Residential Reentry Center, not to exceed 12 months and 1 day, and 3 years of supervised release. ROA.104–05 (judgment), 184–85 (sentencing).

3. On appeal, Doster argued, among other things, that § 922(g)(1) violates the Second Amendment facially and as applied to him. The Fifth Circuit held that Doster's Second Amendment challenges were foreclosed by *United States v. Diaz*, 116 F.4th 458, 471–72 (5th Cir. 2024). App.2a. In *Diaz*, the Fifth Circuit held that § 922(g)(1) was constitutional as applied to a defendant with a prior conviction for motor vehicle theft, and therefore constitutional on its face. *Diaz*, 116 F.4th at 472.

REASONS FOR GRANTING THE PETITION

I. The question presented sharply divides the courts of appeals.

In *Rahimi*, this Court acknowledged that lower courts struggle with the *Bruen* framework. *See Rahimi*, 602 U.S. at 691 (noting that "some courts have misunderstood" the *Bruen* methodology); *id.* at 708 (Sotomayor, J., concurring) (acknowledging that "lower courts [are] struggling to apply *Bruen*"); *id.* at 739 (Barrett, J., concurring) ("Courts have struggled with this use of history in the wake of *Bruen*."); *id.* at 743 (Jackson, J., concurring) ("[L]ower courts appear to be diverging in both approach and outcome as they struggle to conduct the inquiry *Bruen* requires of them.").

After *Rahimi*, courts continue to struggle. Their opinions have diverged on several issues related to the constitutionality of § 922(g)(1), including the need to conduct a *Bruen* inquiry at all, the scope of the Second Amendment's plain text, and the relevant similarity of various colonial regulations. The decisions of the courts of appeal can be broadly categorized into two camps: those that hold that § 922(g)(1) is categorically constitutional, and those that hold that § 922(g)(1) is or may be unconstitutional as applied to a defendant. Even within each camp, the courts' reasoning varies.

A. Six circuits hold that § 922(g)(1) is categorically constitutional, but their reasoning differs.

1. The Second Circuit holds that § 922(g)(1) is categorically constitutional. In *Zherka v. Bondi*, 140 F.4th 68, 93 (2d Cir. 2025), *cert. denied*, No. 25-269, 2026 WL 135708 (U.S. Jan. 20, 2026), the court rejected a challenge to § 922(g)(1) as applied to

nonviolent felons. In *Bruen*'s step one, it concluded that § 922(g)(1) regulates conduct that the Second Amendment's text protects. *Id.* at 75–77. In *Bruen*'s step two, it determined that the government had met its burden to demonstrate that § 922(g)(1) is consistent with the Nation's historical tradition of firearm regulation. *Id.* at 91. The court relied chiefly on "English, American colonial, and early American" laws "disarming large classes of people based on their status alone." *Id.* at 85. It concluded from these laws that "legislatures could disarm classes of people that they perceived as dangerous, without any judicial scrutiny of the empirical basis for that perception." *Id.* And it concluded that these laws were relevantly similar to § 922(g)(1) which "operates by class-wide, status-based disarmament, and it disarms felons because Congress perceives them, broadly, as dangerous." *Id.* at 90.

2. The Fourth Circuit "foreclos[ed] as-applied challenges to Section 922(g)(1)." *United States v. Hunt*, 123 F.4th 697, 703 (4th Cir. 2024), *cert. denied*, 145 S. Ct. 2756, 222 L. Ed. 2d 1046 (2025). First, the court held that there was no need to perform a *Bruen* inquiry. It explained that it was bound by the circuit's pre-*Bruen* precedent "rejecting as-applied challenges to Section 922(g)(1)." *Id.* That precedent, in turn, had relied on "statements in … *Heller* … that 'nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons' and that restrictions on felons possessing firearms were 'presumptively lawful regulatory measures.'" *Id.*

Second, and alternatively, the court rejected Second Amendment challenges to § 922(g)(1) in both steps of the *Bruen* framework. In *Bruen*'s step one, the court held

that § 922(g)(1) does not regulate activity protected by the Second Amendment's text. *Hunt*, 123 F.4th at 705. In *Bruen*'s step two, the court held that § 922(g)(1) is consistent with the Nation's history and tradition of employing "status-based restrictions to disqualify categories of persons from possessing firearms." *Id.* (quoting *United States v. Jackson*, 110 F.4th 1120, 1129 (8th Cir. 2024), *cert. denied*, 145 S. Ct. 2708, 221 L. Ed. 2d 970 (2025)).

3. The Eighth Circuit has affirmed the constitutionality of § 922(g)(1) with "no need for felony-by-felony litigation." *Jackson*, 110 F.4th at 1125. Like the Fourth Circuit, the Eighth Circuit relied on "assurances by the Supreme Court" that *Bruen* did not "cast doubt" on laws prohibiting felons from possessing firearms. *Id.*

The court also concluded that history supports the constitutionality of § 922(g)(1). It held that § 922(g)(1) fit within two traditions: one showing that "legislatures … possessed discretion to disqualify categories of people from possessing firearms to address a danger of misuse by those who deviated from legal norms," *Jackson*, 110 F.4th at 1127, and one showing that "[l]egislatures … prohibited possession by categories of persons based on a conclusion that the category as a whole presented an unacceptable risk of danger if armed," *id.* at 1128.

4. The Ninth Circuit has upheld "the application of § 922(g)(1) to all felons." *United States v. Duarte*, 137 F.4th 743, 761 (9th Cir. 2025) (en banc), *cert. denied*, No. 25-425, 2026 WL 135692 (U.S. Jan. 20, 2026). Like the Fourth and Eighth

Circuits, the Ninth Circuit held that *Bruen* "did not change or alter" *Heller*'s "assurances" about § 922(g)(1)'s constitutionality. *Id.* at 750–52.

The court also held that § 922(g)(1) was constitutional under the *Bruen* framework. At *Bruen*'s step one, the court concluded that § 922(g)(1) regulates conduct "covered under the plain text of the Second Amendment." *Id.* at 752. At *Bruen*'s step two, it concluded that the government had "met its burden of showing that § 922(g)(1) 'is consistent with the Nation's historical tradition of firearm regulation.'" *Id.* at 755 (quoting *Bruen*, 597 U.S. at 24). For support, it relied on laws punishing certain felonies with death or civil death, and "regulations that disarmed those whom the legislature deemed dangerous on a categorical basis." *Id.* at 756–61.

5. The Tenth Circuit has upheld "the constitutionality of § 922(g)(1) for all individuals convicted of felonies." *Vincent v. Bondi*, 127 F.4th 1263, 1266 (10th Cir. 2025), *petition for cert. filed* (May 8, 2025) (No. 24-1155). The court's reasoning suggested no need to conduct a *Bruen* inquiry because of this Court's statements in *Heller* and *Rahimi* alluding to the "presumptive lawfulness" of laws disarming felons. *Id.* at 1265.

6. The Eleventh Circuit holds that "felons are unqualified as 'a class'" to possess a firearm based on pre-*Bruen* precedent. *United States v. Dubois*, 139 F.4th 887, 891 (11th Cir. 2025), *cert. denied*, No. 25-6281, 2026 WL 135685 (U.S. Jan. 20, 2026) (quoting *United States v. Rozier*, 598 F.3d 768, 771 (11th Cir. 2010)).

B. Three circuits have held that § 922(g)(1) is or may be unconstitutional as applied to some felons, but their reasoning differs.

1. The Third Circuit has held that § 922(g)(1) is unconstitutional as applied to a defendant with a prior conviction for making a false statement to obtain food stamps. *Range v. Att'y Gen. United States*, 124 F.4th 218, 222–23 (3d Cir. 2024) (en banc). In *Bruen*'s step one, the court held that the Second Amendment's plain text covers the conduct regulated by § 922(g)(1). *Id.* at 228.

In *Bruen*'s step two, the court held that the government failed to meet its burden to prove that the application of § 922(g)(1) to the defendant would be "consistent with the Nation's historical tradition of firearm regulation." *Range*, 124 F.4th at 228 (quoting *Bruen*, 597 U.S. at 24). The court rejected the government's attempt to invoke "status-based restrictions," like laws disarming people based on race and religion. *Id.* at 229. It explained that these laws would be unconstitutional today, and it rejected any analogy to § 922(g)(1) as "far too broad[]." *Id.* (quoting *Bruen*, 597 U.S. at 31).

The court likewise rejected any reliance on laws disarming people who "pose[ ] a clear threat of physical violence to another." *Range*, 124 F.4th at 230 (quoting *Rahimi*, 602 U.S. at 698). The court found "no evidence that [the defendant] poses a physical danger to others or that food-stamp fraud is closely associated with physical danger." *Id.*

Finally, the court rejected any analogy to laws that punished certain felonies with death or civil death. *Range*, 124 F.4th at 231. It explained that "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." *Id.*

2. The Fifth Circuit has held that § 922(g)(1) is unconstitutional as applied to some felons. In *Diaz*, 116 F.4th at 472, the Fifth Circuit addressed a facial and as-applied challenge to the constitutionality of § 922(g)(1). In *Bruen*'s step one, the court held that the "plain text of the Second Amendment covers the conduct prohibited by § 922(g)(1)." *Diaz*, 116 F.4th at 467.

In *Bruen*'s step two, the court explained that the government bore the burden "to demonstrate that regulating [the defendant's] possession of a firearm is 'consistent with the Nation's historical tradition of firearm regulation.'" *Id.* (quoting *Bruen*, 597 U.S. at 24). In determining whether the government met that burden, the Fifth Circuit focused on three historical analogues: (1) historical laws authorizing capital punishment and estate forfeiture; (2) unadopted proposals to modify the Second Amendment; and (3) colonial-era "going armed" laws. *Id.* at 468–72. It held that "[t]aken together," these analogues established a "tradition of firearm regulation" that supported the constitutionality of § 922(g)(1) as applied to a defendant with a prior conviction for vehicle theft and, therefore, on its face. *Id.* at 471–72.

The court did not "foreclose future as-applied challenges" to the constitutionality of § 922(g)(1). *Diaz*, 116 F.4th at 470 n.4. It emphasized that its

holding rested on "laws targeting the crime of theft, which was considered a felony at the time of the Founding" and which was punishable by capital punishment or civil death. *Id.* at 468. And it explained that interpreting capital punishment and civil death statutes to justify disarming all felons would not "meet the level of historical rigor required by *Bruen* and its progeny" because "not all felons today would have been considered felons at the Founding." *Id.* at 469.

The Fifth Circuit also provided guidance about the individual characteristics of a defendant that courts should consider in evaluating as-applied challenges to § 922(g)(1). Though the government had directed the court's attention to dismissed and misdemeanor charges, the Fifth Circuit excluded those from its consideration. *Diaz*, 116 F.4th at 467. It focused instead on the defendant's "prior convictions that are 'punishable by imprisonment for a term exceeding one year'" because that was the conduct that Congress made relevant to § 922(g)(1). *Diaz*, 116 F.4th at 467 (quoting § 922(g)(1)).

As it foreshadowed in *Diaz*, the Fifth Circuit has since held that § 922(g)(1) is unconstitutional as applied to at least four defendants. In *United States v. Mitchell,* 160 F.4th 169, 194 (5th Cir. 2025), *petition for cert. filed* (Feb. 5, 2026) (25-935), the Fifth Circuit held that § 922(g)(1) is unconstitutional as applied to a defendant with a prior conviction for violating 18 U.S.C. § 922(g)(3), at least when the government failed to prove that the defendant was intoxicated when he possessed a firearm in violation of § 922(g)(1) and § 922(g)(3). In *United States v. Doucet*, No. 24-30656, 2025 WL 3515404, at *1 (5th Cir. Dec. 8, 2025), *petition for cert. filed* (Feb. 20, 2026) (No.

25-1001), the Fifth Circuit held that § 922(g)(1) is unconstitutional as applied to a defendant guilty of attempted marijuana cultivation. In *United States v. Cockerham*, 162 F.4th 500, 510 (5th Cir. 2025), the Fifth Circuit held that § 922(g)(1) is unconstitutional as applied to a defendant with a prior conviction for failure to pay child support. And in *United States v. Hembree*, 165 F.4th 909, 910 (5th Cir. 2026), the Fifth Circuit held that § 922(g)(1) is unconstitutional as applied to a defendant with a conviction for simple possession of methamphetamine.

3. The Sixth Circuit has held open the possibility of an as-applied challenge to § 922(g)(1). In *United States v. Williams*, 113 F.4th 637, 657 (6th Cir. 2024), the court concluded that "our nation's history and tradition demonstrate that Congress may disarm individuals they believe are dangerous." But the court also noted that "when the legislature disarms on a class-wide basis, individuals must have a reasonable opportunity to prove that they don't fit the class-wide generalization." *Id.* at 661. In explaining how to determine whether an individual fits the class-wide generalization, the court differed from the Fifth Circuit in two respects. First, it held that the defendant—not the government—has the burden to "to demonstrate that he is not dangerous, and thus falls outside of § 922(g)(1)'s constitutionally permissible scope." *Id.* at 657. Second, it held that courts evaluating the as-applied constitutionality of § 922(g)(1) should consider "the individual's entire criminal record—not just the predicate offense for purposes of § 922(g)(1)." *Id.* at 657–58.

The courts of appeals are deeply divided at each stage of the Second Amendment analysis. This Court's intervention is required to resolve the scope and governing analysis of the right to keep and bear arms.

II. The decision below is wrong.

The Fifth Circuit misapplied *Bruen* to conclude that § 922(g)(1) is constitutional on its face and as applied to Doster.

A. Section 922(g)(1) is unconstitutional on its face.

Section 922(g)(1) violates the Second Amendment because it imposes a broad, historically unprecedented, and permanent lifetime ban on the possession of firearms for self-defense. The government has failed to carry its burden to prove that § 922(g)(1) "is consistent with this Nation's historical tradition of firearm regulation." *See Bruen*, 597 U.S. at 24.

To uphold the facial constitutionality of § 922(g)(1), the Fifth Circuit has primarily relied on three historical analogues: (1) historical laws authorizing capital punishment and estate forfeiture for some felonies; (2) unadopted proposals to modify the Second Amendment; and (3) colonial-era "going armed" laws. *Diaz*, 116 F.4th at 468–72. The court's reliance on these analogues is misplaced.

1. Laws authorizing capital punishment and estate forfeiture do not justify § 922(g)(1). To start, there is a serious factual question about the link between felonies, on the one hand, and capital punishment and estate forfeiture, on the other. *See Kanter v. Barr*, 919 F.3d 437, 459 (7th Cir. 2019), *abrogated by New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1 (2022) (Barrett, J., dissenting). Even if

the government could prove that link, it cannot show that colonial laws authorizing death or civil death are relevantly similar to § 922(g)(1). First, the laws do not share a comparable "why." *See Rahimi*, 602 U.S. at 692. Laws authorizing death and civil death for some felonies addressed the problem of crime generally, whereas § 922(g)(1) is tailored to gun violence. Second, the laws do not share a comparable "how." Laws authorizing death and civil death did not impose "the *particular* (and distinct) punishment at issue here—de facto lifetime disarmament for all felonies and felony-equivalent misdemeanors." *Range*, 124 F.4th at 231.

2. The unadopted proposals to modify the Second Amendment do not justify § 922(g)(1). The Fifth Circuit admitted that "relying solely on these types of unadopted proposals to establish a tradition is a 'dubious' practice." *Diaz*, 116 F.4th at 470. Rightly so. Among other things, "none of the relevant limiting language made its way into the Second Amendment"; "proposals from other states that advocated a constitutional right to arms did not contain similar language of limitation or exclusion"; and "similar limitations or exclusions do not appear in any of the four parallel state constitutional provisions enacted before ratification of the Second Amendment." *Kanter*, 919 F.3d at 455 (Barret, J., dissenting) (citations omitted). And the proposals do not support categorically disarming felons: "[t]he concern common to all three is not about felons in particular or even criminals in general; it is about threatened violence and the risk of public injury." *Id*. at 456 (Barrett, J., dissenting).

3. Going armed laws do not justify § 922(g)(1). In *Rahimi*, this Court used these laws, among others, to justify § 922(g)(8). *Rahimi*, 602 U.S. at 698–99. That

provision, though, was a better fit. Going armed laws and § 922(g)(8) "restrict[ed] gun use to mitigate demonstrated threats of physical violence," satisfying the "why" inquiry. *Id.* at 698. And both schemes shared a "how": they "involved judicial determinations of whether a particular defendant likely would threaten or had threatened another with a weapon," and they were temporary restrictions on the Second Amendment right. *Id.* at 699.

None of these premises holds for § 922(g)(1). Section 922(g)(1)'s apparent purpose is more general: to restrict firearms from those who have broken the law without regard to whether their convictions involved a physical threat to others. Its burden is more onerous: it permanently disarms all felons even though no court has determined that a defendant would threaten another with a weapon.

B. Section 922(g)(1) is unconstitutional as applied to Doster.

In affirming Doster's conviction, the Fifth Circuit relied on its precedent foreclosing a Second Amendment challenge to § 922(g)(1) for defendants with a prior conviction for motor vehicle theft. *See* App. 2a (citing *Diaz*, 116 F.4th at 471–72). The Fifth Circuit erred.

1. The record does not support a history and tradition of disarming individuals whose predicate convictions do not involve violence or threats of violence. As the *Diaz* court acknowledged, "the justification behind going armed laws—to 'mitigate demonstrated threats of physical violence'—does not necessarily support a tradition of disarming" a defendant "whose underlying convictions do not inherently involve a threat of violence." *Diaz*, 116 F.4th at 471 n.5 (quoting *Rahimi*, 602 U.S. at

698). The same applies to the unadopted proposals to modify the Second Amendment, which were focused on "threatened violence and the risk of public injury." *See Kanter*, 919 F.3d at 456 (Barret, J., dissenting).

2. And the Government cannot find support in colonial laws that restricted the right to possess firearms based on status. The Third Circuit has persuasively reasoned that such laws are not relevantly similar to § 922(g)(1) as applied to a defendant with nonviolent predicate convictions. *See Range*, 124 F.4th at 229–30. Such laws, at least as far as they rest on race and religion, would "now … be unconstitutional under the First and Fourteenth Amendments." *Id.* at 229. And using them to justify § 922(g)(1) stretches analogical reasoning too far. *Id.* Similarly, colonial laws disarming loyalists do not justify § 922(g)(1) when the government offers no "basis to fear that [a defendant] is disloyal to his country." *Id.* at 230.

3. The government has not met its heavy burden to show that § 922(g)(1), as applied to Doster, is consistent with the Nation's historical tradition of firearm regulation. The Fifth Circuit erred by holding that § 922(g)(1) is constitutional as applied to Doster.

III. The question presented is important and recurring, and this case is a good vehicle for addressing it.

1. The question presented is important. This Court has recognized the right to bear arms as "among the 'fundamental rights necessary to our system of ordered liberty.'" *Rahimi*, 602 U.S. at 690 (quoting *McDonald v. City of Chicago*, 561 U.S. 742, 778 (2010)). Section 922(g)(1) denies that fundamental right to millions of Americans. One study found that about nineteen million Americans had felony

convictions in 2010, and it predicted that number would grow in the foreseeable future. Shannon, S.K.S., Uggen, C., Schnittker, J. *et al*. The Growth, Scope, and Spatial Distribution of People With Felony Records in the United States, 1948–2010. *Demography* 54, 1795–1818 (2017).[1]

2. The question presented is recurring. In fiscal year 2023, federal agents logged more than 7,000 arrests for weapons offenses, including violations of § 922(g). Motivans, Mark A., U.S. Dep't Just., Off. Just. Programs, Federal Justice Statistics, 2023, at 3 (2025).[2] "Firearms cases" were "the third most common federal crime in fiscal year 2024." United States Sentencing Commission, 2024 Annual Report, at 13.[3] Defendants will continue to argue that the Second Amendment bars their prosecutions. Courts will continue to face the daunting task of parsing the historical justifications for such prosecutions.

The circuit split is unlikely to resolve without this Court's intervention. The courts of appeals have staked their positions on interpretations of this Court's pronouncements. Absent updated guidance from this Court, the courts of appeals are unlikely to change their positions.

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[1] Available at http://users.soc.umn.edu/~uggen/Shannon_Uggen_DEM_2017.pdf, last accessed Feb. 24, 2026.

[2] Available at https://bjs.ojp.gov/document/fjs23.pdf, last accessed Feb. 24, 2026.

[3] Available at https://www.ussc.gov/sites/default/files/pdf/research-and-publications/annual-reports-and-sourcebooks/2024/2024-Annual-Report.pdf, last accessed Feb. 24, 2026.

3. This case is a good vehicle for addressing the question presented. The facts of the case are undisputed. And Doster's claims are properly before this Court. In both the district court and the Fifth Circuit, Doster pressed his facial and as-applied Second Amendment challenges to § 922(g)(1). ROA.39–43. The Fifth Circuit resolved each challenge on its merits. App. 2a.

4. If the Court grants certiorari in another case presenting a similar question, Doster requests that the Court hold the instant petition and grant, vacate, and remand if the Court thereafter disapproves of § 922(g)'s constitutionality or limits the statute's application. *See Lawrence on Behalf of Lawrence v. Chater*, 516 U.S. 163, 166 (1996); *Stutson v. United States*, 516 U.S. 163, 181 (1996) ("We regularly hold cases that involve the same issue as a case on which certiorari has been granted and plenary review is being conducted *in order that* (if appropriate) they may be 'GVR'd' when the case is decided.") (Scalia, J., dissenting) (emphasis in original).

CONCLUSION

Petitioner Mickey Doster respectfully requests that this Court grant the petition for a writ of certiorari. Alternatively, the Court should grant review in one or more of the many cases presenting a similar question, *e.g., Vincent v. Bondi*, No. 24-1155; *Thompson v. United States*, No. 24-4649, and hold petitioner's case pending disposition of that case.

Respectfully submitted this 26th day of February, 2026.

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