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# **PETITIONER'S APPENDIX**

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**UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT**

**SUMMARY ORDER**

**RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.**

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 29<sup>th</sup> day of January, two thousand twenty-six.

Present:

DEBRA ANN LIVINGSTON,  
*Chief Judge,*  
WILLIAM J. NARDINI,  
MYRNA PÉREZ,  
*Circuit Judges.*

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UNITED STATES OF AMERICA,

*Appellee,*

v.

24-1538

LAQUAN WARREN,

*Defendant-Appellant.\**

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For Appellee:

Jonathan Siegel, Amy Busa, Assistant United States Attorneys *on behalf of* Joseph Nocella, Jr., United States Attorney for the Eastern District of New York, Brooklyn, NY.

For Defendant-Appellant:

Kendra L. Hutchinson, Federal Defenders of New York, Inc., New York, NY.

\* The Clerk of Court is respectfully directed to amend the caption as set forth above.

Appeal from a judgment of the United States District Court for the Eastern District of New York (Irizarry, J.).

**UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the judgment of the district court is **AFFIRMED**.

Defendant-Appellant LaQuan Warren (“Warren”) appeals from the May 28, 2024 judgment of the United States District Court for the Eastern District of New York convicting him, after his guilty plea, of unlawfully possessing a firearm as a convicted felon in violation of 18 U.S.C. § 922(g)(1) and sentencing him to 72 months of imprisonment and three years of supervised release. On appeal, Warren argues that his conviction pursuant to Section 922(g)(1) is unconstitutional both facially and as applied to him in light of the Supreme Court’s decision in *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022) because “Section 922(g)(1)’s lifelong, categorical ban on possessing a firearm following any felony conviction infringes the Second Amendment rights of people like Warren, and is inconsistent with this Nation’s historical tradition of firearms regulation.” Appellant’s Br. 5. We assume the parties’ familiarity with the underlying facts, the procedural history of the case, and the issues on appeal, to which we refer only as necessary to explain our decision to **AFFIRM**.

\* \* \*

“We review *de novo* the denial of a motion to dismiss an indictment.” *United States v. Amalfi*, 47 F.4th 114, 120 (2d Cir. 2022). Following the filing of Warren’s opening brief, in *Zherka v. Bondi*, we reaffirmed our holding in *United States v. Bogle*, 717 F.3d 281 (2d Cir. 2013) and held that “*Bogle*’s rejection of a facial challenge to the statute remains good law in this Circuit.” 140 F.4th 68, 75 (2d Cir. 2025). We also rejected Zherka’s as-applied challenge to the statute because “the Second Amendment does not bar Congress from passing laws that disarm

convicted felons, regardless of whether the crime of conviction is nonviolent.” *Id.* at 93. Thus, as conceded by Warren in his reply brief, his facial and as-applied challenges to his conviction under the Second Amendment are foreclosed by our binding precedent in *Zherka*. See Appellant’s Reply Br. 1 (stating that “Mr. Warren’s facial and as-applied Second Amendment challenges to his conviction are foreclosed by current Circuit precedent”).

We have considered Warren’s remaining arguments on appeal and find them to be without merit. Accordingly, we **AFFIRM** the judgment of the district court.

FOR THE COURT:  
Catherine O’Hagan Wolfe, Clerk

  
