

APPENDICES

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FILED: January 30, 2026

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-4230
(4:23-cr-00077-RCY-LRL-1)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KY'ONTE AHMAD BLAND,

Defendant - Appellant.

O R D E R

Ky'onte Ahmad Bland pled guilty, pursuant to a conditional plea agreement, to possession of a firearm as a felon, in violation of [18 U.S.C. § 922\(g\)\(1\)](#). The district court sentenced Bland to 30 months' imprisonment. Bland now appeals and, consistent with his conditional plea agreement, challenges the district court's denial of his motion to dismiss the indictment. In the motion to dismiss, Bland asserted that § 922(g)(1) is both facially unconstitutional and unconstitutional as applied to him under the Second Amendment, and he relied on the Supreme Court's decision

in *New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022). Bland pursues the same arguments on appeal.

The Government moves for summary affirmance based on our decisions in *United States v. Canada*, 123 F.4th 159, 161 (4th Cir. 2024), which rejected a facial Second Amendment challenge to § 922(g)(1), and *United States v. Hunt*, 123 F.4th 697, 700 (4th Cir. 2024), *cert. denied*, 145 S. Ct. 2756 (2025), which held that as-applied Second Amendment challenges to § 922(g)(1) are generally not viable.* The Government contends that the only issues Bland presents on appeal are “manifestly unsubstantial” after *Canada* and *Hunt*. See 4th Cir. R. 27(f)(1). Although Bland concedes that *Canada* and *Hunt* defeat his Second Amendment arguments, he nevertheless opposes summary affirmance.

Because *Canada* and *Hunt* foreclose the only issues that Bland pursues on appeal, we conclude that summary affirmance is proper. See 4th Cir. R. 27(f)(1). We thus grant the Government’s motion for summary affirmance.

* In *Hunt*, we reaffirmed that “a person who has been convicted of a felony cannot make out a successful as-applied challenge to Section 922(g)(1) unless the felony conviction is pardoned or the law defining the crime of conviction is found unconstitutional or otherwise unlawful.” 123 F.4th at 700 (citation modified). Bland does not argue that either circumstance is present here.

Entered at the direction of the panel: Judge Agee, Judge Heytens, and Judge Benjamin.

For the Court

/s/ Nwamaka Anowi, Clerk

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UNITED STATES COURT OF APPEALS
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No. 24-4230
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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

KY'ONTE AHMAD BLAND

Defendant - Appellant

J U D G M E N T

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

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division

UNITED STATES OF AMERICA)	
)	
v.)	Criminal Action No. 4:23CR77 (RCY)
)	
KYONTE AHMAD BLAND,)	
Defendant.)	
_____)	

MEMORANDUM OPINION

This matter is before the Court on Defendant Kyonte Ahmad Bland’s (“Mr. Bland,” or “the Defendant”) Motion to Dismiss the Indictment. ECF No. 17. The Defendant seeks dismissal of the indictment charging him with Possession of a Firearm by a Convicted Felon, in violation of 18 U.S.C. § 922(g)(1), based on the Supreme Court’s decision in *N.Y. State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1, 142 S. Ct. 2111 (2022). See Mot. Dismiss Indictment (“Mot. Dismiss”) 1–2, 6–17. The Defendant brings both facial and as-applied challenges to § 922(g)(1). For the reasons stated below, the Court will deny the Defendant’s motion in full.

I. BACKGROUND

Mr. Bland was indicted on October 16, 2023, on one count of Possession of a Firearm by a Convicted Felon pursuant to 18 U.S.C. § 922(g)(1). Indictment 1, ECF No. 1. Mr. Bland was arraigned on October 26, 2023. ECF No. 12. Mr. Bland’s status as a convicted felon is not in dispute.

II. LEGAL STANDARD

Federal Rule of Criminal Procedure 12 allows parties to “raise by pretrial motion any defense, objection, or request that the court can determine without a trial on the merits.” Fed. R. Crim. P. 12(b)(1). The Defendant here requests that the Court dismiss the indictment against him. “An indictment may be dismissed if the statute on which the indictment is premised is

unconstitutional.” *United States v. Kearney*, 2023 WL 3940106, at *1 (E.D. Va. June 9, 2023); *see United States v. Brown*, 715 F. Supp. 2d 688, 689 (E.D. Va. 2010); *cf.* Fed. R. Crim. P. 12(b)(3)(B) (permitting a defendant to, before trial, file a motion alleging a “defect in the indictment”).

III. DISCUSSION

The Defendant argues that the statute upon which his indictment is premised, 18 U.S.C. § 922(g)(1), is unconstitutional on its face and as applied to him because it violates the Second Amendment under *Bruen*’s new text-and-history test.

Section 922(g)(1) reads, 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.

18 U.S.C. § 922(g)(1).

The Defendant argues that *Bruen* “upended Second Amendment doctrine” with its text-and-history test. Mot. Dismiss 1. He argues that “§ 922(g)(1) regulates conduct the Second Amendment protects,” meaning that § 922(g)(1) is “presumptively unconstitutional under *Bruen*’s plain text standard” and that, as a result, the burden shifts to the government to “show[] that § 922(g)(1) is consistent with the Nation’s historical tradition of firearm regulation.” *Id.* at 11, 16; *see also id.* at 6–11.

This Court has already carefully considered and denied each of the arguments set forth in this Motion to Dismiss. *See United States v. Lane*, 2023 WL 5663084 (E.D. Va. Aug. 31, 2023).¹ Other courts in this district have persuasively done the same, with similar outcomes. *See, e.g.*,


¹ In *Lane*, this Court held that the Fourth Circuit’s pre-*Bruen* precedents upholding § 922(g)(1)’s constitutionality remain good law and require rejection of any argument that an indictment pursuant to § 922(g)(1) violates the Second Amendment. *See Lane*, 2023 WL 5663084, at *1, 4–7. Alternatively, this Court held that *Bruen* reaffirmed the Supreme Court’s instruction that “the people” whose conduct the Second Amendment protects includes only “law-abiding citizens” and not felons like the Defendant here. *See id.* at *8–13.

United States v. Riley, 635 F. Supp. 3d 411 (E.D. Va. 2022); *United States v. Finney*, No. 2:23cr13, 2023 WL 2696203 (E.D. Va. Mar. 29, 2023). The briefing in the present case provides no new arguments and therefore no reason for this Court to deviate from this prior analysis; as such, the Court adopts in full the reasoning previously set forth in its Memorandum Opinion in *United States v. Lane*.²

IV. CONCLUSION

For the reasons detailed above, the Defendant's Motion to Dismiss the Indictment, ECF No. 17, will be denied.

An appropriate Order shall issue.



Roderick C. Young
United States District Judge

Richmond, Virginia
Date: November 30, 2023

² The Defendant here argues that § 922(g)(1) is unconstitutional both facially and as applied to him. But the Defendant, as did the defendant in *Lane*, makes the same argument for both his facial and his as-applied challenges: § 922(g)(1) facially criminalizes possessing a firearm or ammunition as a felon, and the statute applies to the Defendant because he was a felon possessing a gun or ammunition. Because the Defendant argues both challenges in the same way (and does so by making the same arguments that the defendant made in *Lane*), the Court here can dispose of both challenges by relying on *Lane*'s single and complete *Bruen* analysis. See *Lane*, 2023 WL 5663084, at *4–13.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division

UNITED STATES OF AMERICA)
)
 v.)
)
 KYONTE AHMAD BLAND,)
 Defendant.)
 _____)

Criminal Action No. 4:23CR77 (RCY)


ORDER

This matter is before the Court on the Defendant’s Motion to Dismiss the Indictment (ECF No. 17). For the reasons stated in the accompanying Memorandum Opinion, the Defendant’s Motion to Dismiss the Indictment (ECF No. 17) is DENIED.

Moreover, the Court understands that, in the event of the Court’s denial of his Motion to Dismiss, the Defendant wishes to proceed with a conditional plea. Accordingly, the parties are ORDERED to contact the courtroom deputy of the undersigned within (3) days of the entry of this Order to schedule a plea hearing.

The Clerk is directed to provide a copy of this Order to all counsel of record.

It is so ORDERED.



Roderick C. Young
United States District Judge

Richmond, Virginia
Date: November 30, 2023