

No. _____

In the
Supreme Court of the United States

Lester Landrum,

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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QUESTIONS PRESENTED

1. Does 18 U.S.C. § 922(g)(1) violate the Second Amendment on its face or as applied to Petitioner?
2. Does 18 U.S.C. § 922(g)(1) exceed Congress's authority under the Commerce Clause on its face or as applied to Petitioner's intrastate possession of a firearm?

PARTIES TO THE PROCEEDING

Petitioner, Lester Landrum, 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. Landrum*, No. 3:24-cr-63, U.S. District Court for the Southern District of Mississippi. Judgment entered March 27, 2025. (Appendix B).
- *United States v. Landrum*, No. 25-60167, U.S. Court of Appeals for the Fifth Circuit. Judgment entered March 5, 2026. (Appendix A).

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PETITION FOR A WRIT OF CERTIORARI

Lester Landrum 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 168 F.4th 771 and is reproduced in Appendix A at App.1a–6a.

JURISDICTION

The Fifth Circuit entered its judgment on March 5, 2026. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

PROVISIONS INVOLVED

Article I, § 8 of the United States Constitution provides: “Congress shall have Power” to “regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.”

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 OF THE CASE

1. An indictment charged Lester Landrum 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).¹ ROA.8–9 (indictment). Landrum had prior convictions for driving under the influence, sale of cocaine, and sale of marijuana. *See* ROA.215–218 (PSR). He was on probation at the time of the instant offense. ROA.76–79 (sentencing order for driving under the influence), 219 (PSR).

2. Landrum moved to dismiss the indictment, arguing that § 922(g)(1) is unconstitutional in at least two respects: (1) it violates the Second Amendment on its face and as applied to him, and (2) it unconstitutionally exceeds Congress’s power under the Commerce Clause. ROA.36–58 (motion to dismiss), *see also* ROA.80–92 (reply). The government opposed the motion. ROA.59–79. The district court denied it. ROA.93–96.

Landrum pleaded guilty to the indictment pursuant to a plea agreement. ROA.109 (judgment), 163–64 (change of plea), 205–208 (plea agreement). Though he waived his right to appeal most issues, he reserved his right to appeal the district court’s ruling denying his motion to dismiss. ROA.165 (change of plea), 207 (plea agreement).

¹ The indictment also charged Landrum with one count of possession of cocaine with intent to distribute. ROA.8–9. The government moved *ore tenus* to dismiss that count, and the district court granted the government’s motion. ROA.107.

The district court sentenced Landrum to 74 months of imprisonment, 3 years of supervised release, a fine of \$1,500, and a special assessment of \$100. ROA.109–15 (judgment), 198–202 (sentencing).

3. On appeal, Landrum pressed his Second Amendment and Commerce Clause challenges to § 922(g)(1).

The Fifth Circuit affirmed his conviction. App.2a. It concluded that Landrum’s facial Second Amendment challenge was foreclosed by *United States v. Diaz*, 116 F.4th 458, 471–72 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 2822, 222 L. Ed. 2d 1102 (2025), which held that § 922(g)(1) is constitutional as applied to a defendant with a prior conviction for motor vehicle theft, and therefore constitutional on its face. App.2a & n.1. It concluded that Landrum’s as-applied Second Amendment challenge was foreclosed by *United States v. Kimble*, 142 F.4th 308, 318 (5th Cir. 2025), *cert. denied*, No. 25-5747, 2026 WL 135675 (U.S. Jan. 20, 2026), and *United States v. Giglio*, 126 F.4th 1039, 1045 (5th Cir. 2025). App.2a & n.1. *Kimble* held that “Congress can categorically disarm individuals convicted of violent felonies like drug trafficking.” *Kimble*, 142 F.4th at 318. *Giglio* held that § 922(g)(1) is constitutional as applied to those who possess a firearm while serving a term of probation. *Giglio*, 126 F.4th at 1045.

The Fifth Circuit also concluded that Landrum’s Commerce Clause challenge was foreclosed by *United States v. Alcantar*, 733 F.3d 143, 145–46 (5th Cir. 2013), which held that § 922(g)(1) does not violate the Commerce Clause. App. 2a & n.1.

REASONS FOR GRANTING THE PETITION

I. This Court should grant the petition to resolve whether and when § 922(g)(1) comports with the Second Amendment.

A. Lower courts need guidance for resolving Second Amendment challenges to § 922(g)(1).

1. In *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1, 24 (2022), this Court announced a new framework for evaluating the constitutionality of regulations that implicate the Second Amendment: “[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.”

To determine whether the government has met its burden, a court “consider[s] whether the challenged regulation is consistent with the principles that underpin our regulatory tradition.” *United States v. Rahimi*, 602 U.S. 680, 692 (2024). To do that, a court “ascertain[s] 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 a historical law is relevantly similar to a modern firearm regulation, a court trains its focus on “why and how the regulation burdens the right” to keep and bear arms. *Id.*; see *Bruen*, 597 U.S. at 29. The “why” inquiry compares the reasons for the historical and modern regulations. See *Rahimi*, 602 U.S. at 692. The “how” inquiry compares the burden that the historical and modern regulations impose. See *id.*

2. Lower courts have struggled to apply 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.”).

3. Since *Bruen*, an intractable circuit split has emerged about § 922(g)(1)’s vulnerability to Second Amendment challenges. Six circuits have held that § 922(g)(1) is categorically constitutional under the Second Amendment. *See Zherka v. Bondi*, 140 F.4th 68, 93 (2d Cir. 2025), *cert. denied*, No. 25-269, 2026 WL 135708 (U.S. Jan. 20, 2026); *United States v. Hunt*, 123 F.4th 697, 703 (4th Cir. 2024), *cert. denied*, 145 S. Ct. 2756, 222 L. Ed. 2d 1046 (2025); *United States v. Jackson*, 110 F.4th 1120, 1129 (8th Cir. 2024), *cert. denied*, 145 S. Ct. 2708, 221 L. Ed. 2d 970 (2025)); *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); *Vincent v. Bondi*, 127 F.4th 1263, 1266 (10th Cir. 2025), *petition for cert. filed* (May 8, 2025) (No. 24-1155); *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).

One circuit has held open the possibility that § 922(g)(1), as applied to some felons, may violate the Second Amendment. *See United States v. Williams*, 113 F.4th 637, 657 (6th Cir. 2024).

Two circuits have held that § 922(g)(1), as applied to some felons, violates the Second Amendment. 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). The Fifth Circuit has held that § 922(g)(1) is unconstitutional as applied to: (1) 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), see *United States v. Mitchell*, 160 F.4th 169, 194 (5th Cir. 2025), *petition for cert. filed* (Feb. 5, 2026) (25-935); (2) a defendant with a prior conviction for attempted marijuana cultivation, *United States v. Doucet*, No. 24-30656, 2025 WL 3515404, at *1 (5th Cir. Dec. 8, 2025), *cert. denied*, No. 25-1001, 2026 WL 1127187 (U.S. Apr. 27, 2026); (3) a defendant with a prior conviction for failure to pay child support, *United States v. Cockerham*, 162 F.4th 500, 510 (5th Cir. 2025), *petition for cert. filed* (Feb. 27, 2026) (25-1029); and (4) a defendant with a prior conviction for simple possession of methamphetamine, *United States v. Hembree*, 165 F.4th 909, 910 (5th Cir. 2026), *petition for cert. filed* (Apr. 24, 2026) (25-1219).

4. This Court should grant review to resolve the circuit conflict.

B. The decision below conflicts with *Bruen*.

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

1. Section 922(g)(1) is unconstitutional on its face. The statute imposes an unprecedented and permanent 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 the 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 chiefly relied on three analogues: (1) historical laws authorizing capital punishment and estate forfeiture for some felonies; (2) unadopted proposals for the Second Amendment; and (3) colonial-era “going armed” laws.² *Diaz*, 116 F.4th at 468–72. The court’s reliance on these analogues is misplaced.

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. And the laws do not share a comparable “how.” *See id.* Laws authorizing death and civil death did not impose “the particular (and distinct)

² The Fifth Circuit has also relied on English and early-American laws disarming “dangerous” people. *See Kimble*, 142 F.4th at 318. Those laws are discussed *infra* at 9–10.

punishment at issue here—de facto lifetime disarmament for all felonies and felony-equivalent misdemeanors.” *Range*, 124 F.4th at 231.

The unadopted proposals for 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 (quoting *D.C. v. Heller*, 554 U.S. 570, 603 (2008)). 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 (Barrett, 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).

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 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 or has threatened another with a weapon.

2. Section 922(g)(1) is unconstitutional as applied to Landrum. To affirm Landrum’s conviction, the Fifth Circuit relied on its precedent rejecting as-applied Second Amendment challenges by defendants with prior convictions for drug trafficking and by defendants on probation at the time of their § 922(g)(1) offenses. *See* App. 2a & n.1 (citing *Kimble*, 142 F.4th at 318, and *Giglio*, 126 F.4th at 1045). The Fifth Circuit erred in both respects.

The Fifth Circuit erred by concluding that § 922(g)(1) is constitutional as applied to a defendant with a prior conviction for drug trafficking. For support, the Fifth Circuit relied on “English laws disarming political and religious dissidents and American statements and practices.” *Kimble*, 142 F.4th at 315. But there is a serious question about whether those laws are valid analogues. In *Rahimi*, this Court explained that though “English law had disarmed not only brigands and highwaymen but also political opponents and disfavored religious groups,” “state constitutions and the Second Amendment had largely eliminated governmental authority to disarm

political opponents on this side of the Atlantic.” *Rahimi*, 602 U.S. at 694; *see id.* at 776 (Thomas, J., dissenting) (“Far from an exemplar of Congress’s authority, the discriminatory regimes the Government relied upon are cautionary tales. They warn that when majoritarian interests alone dictate who is ‘dangerous,’ and thus can be disarmed, disfavored groups become easy prey.”).

As for early American analogues, those laws are not relevantly similar to § 922(g)(1). For one, they share no comparable purpose. The early American laws were “the emerging nation’s proto-national security laws.” Pratheepan Gulasekaram, *Loyalty Disarmament and the Undocumented*, 125 Colum. L. Rev. F. 29, 38 (2025). They were designed to “smoke out existential threats to the cause of independence.” *Id.* at 38. Section 922(g)(1), on the other hand, is not a national security law, nor is it aimed at stabilizing an emerging government.

And the early American laws did not comparably burden the right to bear arms. Such laws permitted individuals to avoid disarmament by taking an oath or affirmation of loyalty to the emerging Republic. Gulasekaram, 125 Colum. L. Rev. F. at 40. And the laws “did not technically prohibit recusants from acquiring new arms”; instead “they read more like forfeiture laws than disabilities.” C. Kevin Marshall, *Why Can’t Martha Stewart Have A Gun?*, 32 Harv. J.L. & Pub. Pol’y 695, 724 & n.154 (2009) (citing Pa. Act of June 13, 1777, §§ 1-3; Va. Act of May 5, 1777, §§ 1, 3). Section 922(g)(1), on the other hand, permanently disarms a defendant without regard to his changed circumstances, and it prohibits the acquisition of new firearms for self-defense.

The Fifth Circuit also erred by concluding that § 922(g)(1) is constitutional as applied to a defendant on probation at the time of his § 922(g)(1) offense. Its conclusion conflicts with the plain language of § 922(g)(1), which punishes possession of a weapon by a person convicted of a qualifying crime regardless of whether he is on probation.

And laws disarming people serving a sentence are not relevantly similar to § 922(g)(1). First, they do not share a comparable purpose. *See Rahimi*, 602 U.S. at 692. Historical laws disarming people serving a sentence targeted defendants in custody or under supervision, while § 922(g)(1) targets any defendant with a qualifying conviction regardless of probation status. Second, they do not impose a comparable burden. *See id.* Historical laws disarmed people while they were in custody, while § 922(g)(1) imposes a lifetime ban on the possession of firearms.

C. The question presented is important and recurring, and this case is an ideal vehicle for resolving 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).³

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).⁴ “Crimes involving firearms” were “the third most common federal crime” in fiscal year 2025. United States Sentencing Commission, 2025 Annual Report, at 19.⁵ 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.

3. This case is a good vehicle for addressing the questions presented. The facts of the case are undisputed. And Landrum’s claims are properly before this Court. In both the district court and the Fifth Circuit, Landrum pressed his facial and as-applied Second Amendment challenges to § 922(g)(1). ROA.36–58, 80–92. The Fifth Circuit resolved each challenge on its merits. App. 2a & n.1.

³ Available at http://users.soc.umn.edu/~uggen/Shannon_Uggen_DEM_2017.pdf, last accessed Jun. 1, 2026.

⁴ Available at <https://bjs.ojp.gov/document/fjs23.pdf>, last accessed Jun. 1, 2026.

⁵ Available at <https://www.ussc.gov/sites/default/files/pdf/research-and-publications/annual-reports-and-sourcebooks/2025/2025-Annual-Report.pdf>, last accessed Jun. 1, 2026.

II. This Court should grant the petition to address whether and when § 922(g)(1) comports with the Commerce Clause.

A. Lower courts need guidance for resolving Commerce Clause challenges to § 922(g)(1).

1. For decades, lower courts have “cried out for guidance” about how to analyze Commerce Clause challenges to federal criminal statutes. *See Alderman v. United States*, 562 U.S. 1163, 131 S. Ct. 700, 702 (2011) (Thomas, J., dissenting from denial of certiorari). The need for guidance stems in large part from the tension between two of this Court’s decisions: *Scarborough v. United States*, 431 U.S. 563 (1977) and *United States v. Lopez*, 514 U.S. 549 (1995).

In *Scarborough*, the Court analyzed § 922(g)(1)’s predecessor, which prohibited felons from possessing, “in commerce or affecting commerce,” any firearm. *Scarborough*, 431 U.S. at 564 (quoting 18 U.S.C. § 1202(a)). The Court held that the government could prove that a felon possessed a firearm “in commerce or affecting commerce” by showing the “minimal nexus that the firearm” was “at some time, in interstate commerce.” *Id.* at 564, 575.

In *Lopez*, this Court invalidated, on Commerce Clause grounds, a statute that prohibited the knowing possession of a firearm in a school zone. *Lopez*, 514 U.S. at 551. In its reasoning, the Court identified “three broad categories of activity that Congress may regulate under its commerce power”: (1) “the use of the channels of interstate commerce”; (2) “the instrumentalities of interstate commerce, or persons or things in interstate commerce”; and (3) “activities having a substantial relation to interstate commerce.” *Id.* at 558–59.

The Court “quickly disposed” of the first two categories, concluding that the statute prohibiting guns in schools was “not a regulation of the use of the channels of interstate commerce, nor ... an attempt to prohibit the interstate transportation of a commodity through the channels of commerce; nor ... a regulation by which Congress has sought to protect an instrumentality of interstate commerce or a thing in interstate commerce.” *Id.* at 559.

Turning to the third category, the Court held that the prohibition against guns in schools did not regulate an activity that substantially affects interstate commerce. *Id.* at 559–61. The Court explained that the regulation was “a criminal statute that by its terms ha[d] nothing to do with ‘commerce’ or any sort of economic enterprise, however broadly one might define those terms.” *Id.* at 561 (footnote omitted). It emphasized that the regulation was not “an essential part of a larger regulation of economic activity, in which the regulatory scheme could be undercut unless the intrastate activity were regulated.” *Id.* at 561. And it faulted the regulation for lacking a “jurisdictional element which would ensure, through case-by-case inquiry, that the firearm possession in question affects interstate commerce.” *Id.*

2. Members of this Court and others have recognized the tension between *Scarborough* and *Lopez*. See *Alderman*, 131 S. Ct. at 702 (Thomas, J., dissenting from denial of certiorari) (“*Scarborough*, as the lower courts have read it, cannot be reconciled with *Lopez*.”); *United States v. Seekins*, 52 F.4th 988, 991–92 (5th Cir. 2022) (Ho, J., dissenting) (citing cases); *United States v. Kuban*, 94 F.3d 971, 977 (5th

Cir. 1996) (DeMoss, J., dissenting) (“[T]he precise holding in *Scarborough* is in fundamental and irreconcilable conflict with the rationale of [*Lopez*].”).

If the government need prove only that a gun traveled—at some point—in interstate commerce to obtain a conviction under § 922(g)(1), then § 922(g)(1) is likely unconstitutional for the reasons outlined in *Lopez*. Like the provision invalidated in *Lopez*, § 922(g)(1) is “a criminal statute that by its terms has nothing to do with ‘commerce’ or any sort of economic enterprise.” *See Lopez*, 514 U.S. at 561. And like the unconstitutional provision in *Lopez*, § 922(g)(1) is not “an essential part of a larger regulation of economic activity, in which the regulatory scheme could be undercut unless the intrastate activity were regulated.” *See id.* Finally, though § 922(g)(1) has a jurisdictional element, lower courts have rendered the element meaningless. As lower courts have interpreted it, the jurisdictional element does not test whether “the firearm *possession* in question affects interstate commerce,” *see Lopez*, 514 U.S. at 561 (emphasis added), but only whether the firearm itself has traveled in interstate commerce.

3. Despite the tension between *Scarborough* and *Lopez*, lower courts have been reluctant to stray from *Scarborough*’s holding. Even after *Lopez*, at least nine courts of appeals have relied on *Scarborough* to hold that § 922(g)(1)’s nexus element can be satisfied if the firearm traveled—at any point—across a state boundary. *See United States v. Smith*, 101 F.3d 202, 215 (1st Cir. 1996); *United States v. Santiago*, 238 F.3d 213, 216–17 (2d Cir. 2001) (per curiam); *United States v. Gateward*, 84 F.3d 670, 671–72 (3d Cir. 1996); *United States v. Rawls*, 85 F.3d 240, 242–43 (5th Cir.

1996); *United States v. Lemons*, 302 F.3d 769, 771–73 (7th Cir. 2002); *United States v. Shelton*, 66 F.3d 991, 992 (8th Cir. 1995) (per curiam); *United States v. Hanna*, 55 F.3d 1456, 1461–62, 1462 & n.2 (9th Cir. 1995); *United States v. Dorris*, 236 F.3d 582, 584–86 (10th Cir. 2000); *United States v. Wright*, 607 F.3d 708, 715 (11th Cir. 2010). Two courts of appeals have applied *Lopez*’s framework, and both have upheld § 922(g)(1). *United States v. Crump*, 120 F.3d 462, 466 & n.2 (4th Cir. 1997) (citing *United States v. Langley*, 62 F.3d 602, 606 (4th Cir. 1995) (en banc), *abrogated on other grounds by Rehaif v. United States*, 588 U.S. 225 (2019)); *United States v. Chesney*, 86 F.3d 564, 568–70 (6th Cir. 1996).

4. This Court’s review is needed to address *Scarborough*’s reach and to explain how the *Lopez* framework applies to § 922(g)(1).

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

1. The question presented is important. A “healthy balance of power between the States and the Federal Government ... reduce[s] the risk of tyranny and abuse from either front.” *Lopez*, 514 U.S. at 552 (quoting *Gregory v. Ashcroft*, 501 U.S. 452, 458 (1991)). Section 922(g)(1), as the lower courts have interpreted it, upends this healthy balance. It permits the federal government to regulate based on nothing more than its “ability to document (or merely speculate about) the provenance of a particular item.” *Seekins*, 52 F.4th at 989 (Ho, J., dissenting from denial of rehearing en banc). In so doing, it “dramatically expands the reach of the federal government under the Commerce Clause.” *Id.* at 992 (Ho, J., dissenting from denial of rehearing en banc).

2. The question presented is recurring. As discussed above, federal agents log thousands of arrests for weapons offenses. *Motivans*, *supra*, at 3. Each of these arrests raises the specter of a federal police power that defies the limited national government the Framers contemplated and the Constitution guaranteed. *See Alderman*, 131 S. Ct. at 703 (Thomas, J., dissenting) (“[P]ermit[ting] Congress to regulate or ban possession of any item that has ever been offered for sale or crossed state lines” would be “[s]uch an expansion of federal authority” as to “trespass on traditional state police powers.”).

3. This case is an ideal vehicle to confront the issue. To prove the jurisdictional element, the government relied exclusively on the fact that Landrum possessed a firearm in Mississippi that was manufactured outside of Mississippi. ROA.182. The government offered no proof that Landrum traveled in interstate commerce to bring the firearm to Mississippi, that Landrum possessed the firearm in another State, or even that Landrum purchased the firearm from a seller participating in interstate commerce. *See* ROA.182.

And Landrum’s Commerce Clause challenge is properly before this Court. In the district court and on appeal, Landrum pressed his Commerce Clause challenge to § 922(g)(1). *See* ROA.54–57. The Fifth Circuit resolved that challenge on its merits. App.2a & n.1.

CONCLUSION

Petitioner Lester Landrum respectfully requests that this Court grant the petition for a writ of certiorari. Alternatively, the Court should grant review in one or more cases presenting similar questions and hold petitioner's case pending disposition of that case.

Respectfully submitted this 2nd day of June, 2026.

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