
NO. _____

IN THE

Supreme Court of the United States

_____ TERM, 20__

Mark Anthony Gaddy - Petitioner,

vs.

United States of America - Respondent.

APPENDIX TO PETITIONER'S APPLICATION FOR EXTENSION OF TIME
WITHIN WHICH TO FILE FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

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United States Court of Appeals
For the Eighth Circuit

No. 24-3420

United States of America

Plaintiff - Appellee

v.

Mark Anthony Gaddy

Defendant - Appellant

Appeal from United States District Court
for the Southern District of Iowa - Central

Submitted: February 26, 2026

Filed: March 3, 2026

[Unpublished]

Before GRUENDER, STRAS, and KOBES, Circuit Judges.

PER CURIAM.

Mark Gaddy appeals after he pleaded guilty to being a felon in possession of firearms and ammunition. He argues the district court¹ erred by denying his motion

¹The Honorable Rebecca Goodgame Ebinger, United States District Judge for the Southern District of Iowa.

to dismiss the indictment because the prosecution violated the Second Amendment, both facially and as applied to him. Upon careful review, we conclude that the district court properly denied the motion, as Gaddy's argument is foreclosed by our precedent. See United States v. Jackson, 110 F.4th 1120, 1125, 1129 (8th Cir. 2024), cert. denied, 145 S. Ct. 2708 (2025); see also United States v. Harris-Franklin, 146 F.4th 631, 637 & n.2 (8th Cir. 2025); United States v. Cameron, 99 F.4th 432, 435-36 (8th Cir.), cert. denied, 145 S. Ct. 314 (2024). Accordingly, we affirm.

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

No. 24-3420

United States of America

Plaintiff - Appellee

v.

Mark Anthony Gaddy

Defendant - Appellant

Appeal from U.S. District Court for the Southern District of Iowa - Central
(4:24-cr-00013-RGE-1)

JUDGMENT

Before GRUENDER, STRAS, and KOBES, Circuit Judges.

This appeal from the United States District Court was submitted on the record of the district court and briefs of the parties.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in accordance with the opinion of this Court.

March 03, 2026

Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

Adopted April 15, 2015
Effective August 1, 2015

Revision of Part V of the Eighth Circuit Plan to Implement the Criminal Justice Act of 1964.

V. Duty of Counsel as to Panel Rehearing, Rehearing En Banc, and Certiorari

Where the decision of the court of appeals is adverse to the defendant in whole or in part, the duty of counsel on appeal extends to (1) advising the defendant of the right to file a petition for panel rehearing and a petition for rehearing en banc in the court of appeals and a petition for writ of certiorari in the Supreme Court of the United States, and (2) informing the defendant of counsel's opinion as to the merit and likelihood of the success of those petitions. If the defendant requests that counsel file any of those petitions, counsel must file the petition if counsel determines that there are reasonable grounds to believe that the petition would satisfy the standards of Federal Rule of Appellate Procedure 40, Federal Rule of Appellate Procedure 35(a) or Supreme Court Rule 10, as applicable. *See Austin v. United States*, 513 U.S. 5 (1994) (per curiam); 8th Cir. R. 35A.

If counsel declines to file a petition for panel rehearing or rehearing en banc requested by the defendant based upon counsel's determination that there are not reasonable grounds to do so, counsel must so inform the court and must file a written motion to withdraw. The motion to withdraw must be filed on or before the due date for a petition for rehearing, must certify that counsel has advised the defendant of the procedures for filing *pro se* a timely petition for rehearing, and must request an extension of time of 28 days within which to file *pro se* a petition for rehearing. The motion also must certify that counsel has advised the defendant of the procedures for filing *pro se* a timely petition for writ of certiorari.

If counsel declines to file a petition for writ of certiorari requested by the defendant based on counsel's determination that there are not reasonable grounds to do so, counsel must so inform the court and must file a written motion to withdraw. The motion must certify that counsel has advised the defendant of the procedures for filing *pro se* a timely petition for writ of certiorari.

A motion to withdraw must be accompanied by counsel's certification that a copy of the motion was furnished to the defendant and to the United States.

Where counsel is granted leave to withdraw pursuant to the procedures of *Anders v. California*, 386 U.S. 738 (1967), and *Penson v. Ohio*, 488 U.S. 75 (1988), counsel's duty of representation is completed, and the clerk's letter transmitting the decision of the court will notify the defendant of the procedures for filing *pro se* a timely petition for panel rehearing, a timely petition for rehearing en banc, and a timely petition for writ of certiorari.