

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 24-1166

UNITED STATES OF AMERICA

v.

DEAGO LEE EDDINGS,
Appellant

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. No. 2:21-cr-00117-001)
District Judge: Honorable Marilyn J. Horan

Submitted Pursuant to Third Circuit L.A.R. 34.1(a)
on April 11, 2025

Before: HARDIMAN, PORTER, and SMITH, *Circuit Judges*.

(Filed: April 14, 2025)

OPINION*

PORTER, *Circuit Judge*.

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

I

Brentwood Borough police conducted a routine traffic stop in September 2020. In the back seat of the car officers found Deago Eddings and a pistol. Eddings had recently been released from prison, where he was serving a sentence for prior convictions of attempted homicide, aggravated assault, and carrying a firearm without a license. At the time of the stop, he was on Pennsylvania state parole as part of that prior sentence.

Eddings was charged with one count of being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). After his motion to suppress was denied, Eddings pleaded guilty. He moved to withdraw his plea following our decision in *Range v. Attorney General*, 69 F.4th 96 (3d Cir. 2023) (en banc), *cert. granted, judgment vacated*, 144 S. Ct. 2706 (2024). There, we held that § 922(g)(1) could not be applied to disarm defendant Bryan Range in a manner consistent with our Nation’s historical tradition of firearms regulation. *Id.* at 106.¹

Eddings likewise moved to dismiss his indictment, advancing facial and as-applied challenges to § 922(g)(1) based on both the Second Amendment and the Commerce Clause. The District Court denied both the withdrawal and dismissal motions and proceeded to sentence Eddings to twenty-seven months’ imprisonment to be followed by three years of supervised release.

Eddings appeals the denial of his constitutional challenges.

¹ We later affirmed that holding on remand. *Range v. Att’y Gen.*, 124 F.4th 218, 232 (3d Cir. 2024) (en banc).

II²

Last year in *United States v. Moore* we examined whether disarming convicts on supervised release was “consistent with the Nation’s historical tradition of firearm regulation.” 111 F.4th 266, 269 (3d Cir. 2024) (quoting *N.Y. State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1, 24 (2022)). After undertaking the historical analysis mandated by *Bruen* and *United States v. Rahimi*, 602 U.S. 680 (2024), we concluded that the government had met its burden to show that “history and tradition support disarming convicts who are completing their sentences,” including those on supervised release. *Moore*, 111 F.4th at 273. Earlier this year, we extended *Moore*’s logic to state equivalents of federal supervised release, “including a sentence of parole or probation.” *United States v. Quailes*, 126 F.4th 215, 217 (3d Cir. 2025).

As Eddings concedes, *Moore* and *Quailes* control the outcome here. Eddings was on parole at the time of his indictment; he was therefore still completing his sentence, and § 922(g)(1) was constitutional as applied to him.³ As Eddings also recognizes, his Commerce Clause challenge is similarly foreclosed by a long line of Third Circuit and Supreme Court precedent. *See, e.g., United States v. Singletary*, 268 F.3d 196 (3d Cir. 2001).

² The District Court had jurisdiction under 18 U.S.C. § 3231. We have appellate jurisdiction under 28 U.S.C. § 1291. We review the District Court’s legal conclusions de novo and its factual findings for clear error. *See United States v. Bergrin*, 650 F.3d 257, 264 (3d Cir. 2011).

³ Eddings’s facial challenge concomitantly fails, as he cannot “establish that no set of circumstances exists under which the Act would be valid.” *Rahimi*, 602 U.S. at 693 (quoting *United States v. Salerno*, 481 U.S. 739, 745 (1987)).

* * *

III

For the reasons discussed above, we will affirm the District Court's order denying Eddings's motions to withdraw and dismiss and the District Court's judgment of sentence.

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JUDGMENT

This cause came to be considered on the record from the United States District Court for the Western District of Pennsylvania and was submitted on April 11, 2025. On consideration whereof, it is now

ORDERED and ADJUDGED by this Court that the District Court's judgment entered on January 11, 2024, is hereby AFFIRMED. All of the above in accordance with the Opinion of this Court. Costs shall not be taxed.

ATTEST:

s/ Patricia S. Dodszuweit
Clerk

Dated: April 14, 2025

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT
CLERK

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April 14, 2025

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RE: USA v. Deago Eddings
Case Number: 24-1166
District Court Case Number: 2:21-cr-00117-001

ENTRY OF JUDGMENT

Today, **April 14, 2025**, the Court entered its judgment in the above-captioned matter pursuant to Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

Form Limits:

3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App. P. 32(g).

15 pages if hand or type written.

Attachments:

A copy of the panel's opinion and judgment only.

Certificate of service.

Certificate of compliance if petition is produced by a computer.

No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. A party seeking both forms of rehearing must file the petitions as a single document. Fed. R. App. P. 40(a).

A party who is entitled to costs pursuant to Fed.R.App.P. 39 must file an itemized and verified bill of costs within 14 days from the entry of judgment. The bill of costs must be submitted on the proper form which is available on the court's website.

A mandate will be issued at the appropriate time in accordance with the Fed. R. App. P. 41.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very truly yours,

Patricia S. Dodszeit,
Clerk

By: s/Timothy

Case Manager 267-299-4953