

Appendix A

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-11503

Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TREMON STALEY,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:23-cr-00228-CEH-UAM-1

Before LAGOA, TJOFLAT, and WILSON, Circuit Judges.

PER CURIAM:

Tremon Staley appeals his conviction for possession of a firearm by a felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(8). He argues that § 922(g)(1) violates the Second Amendment and the Commerce Clause, both facially and as applied to him. Binding precedent forecloses Staley's claims. We affirm.

I.

A grand jury indicted Staley on one count of possession of a firearm by a felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(8). Staley moved to dismiss the indictment, arguing that § 922(g)(1) was unconstitutional under the Second Amendment.

The Government opposed the motion, arguing that this Court's precedent foreclosed Staley's claims. A magistrate judge recommended denying Staley's motion, and the District Court adopted that recommendation. Staley waived his right to a jury trial and proceeded to a bench trial on stipulated facts. The District Court found Staley guilty and sentenced him to 15 months' imprisonment followed by two years of supervised release. This appeal follows.

II.

Staley argues that § 922(g)(1) violates the Second Amendment as construed by the Supreme Court. Staley's argument, however, is foreclosed by our precedent. In *United States v. Dubois*, we

24-11503

Opinion of the Court

3

rejected the same challenge. 2025 WL 1553843, at *2–5 (11th Cir. June 2, 2025). We remain bound by *Dubois* “unless and until [its] holding is overruled by the Court sitting en banc or by the Supreme Court.” See *Smith v. GTE Corp.*, 236 F.3d 1292, 1300 n.8 (11th Cir. 2001).

Staley also argues that § 922(g)(1) exceeds Congress’s authority under the Commerce Clause. That argument, too, is foreclosed. We have “clearly held that 18 U.S.C. § 922(g) is constitutional under the Commerce Clause.” *United States v. Longoria*, 874 F.3d 1278, 1283 (11th Cir. 2017) (per curiam), *abrogated on other grounds by Erlinger v. United States*, 602 U.S. 821, 144 S. Ct. 1840 (2024) (internal quotation marks and citation omitted); see also *United States v. Wright*, 607 F.3d 708, 715–16 (11th Cir. 2010). Moreover, Staley stipulated that the firearm and ammunition he possessed were manufactured outside of Florida, satisfying the minimal nexus to interstate commerce required under our precedent. *Wright*, 607 F.3d at 716.

Because binding precedent forecloses Staley’s arguments, we affirm.

AFFIRMED.

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

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

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June 09, 2025

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 24-11503-HH
Case Style: USA v. Tremon Staley
District Court Docket No: 8:23-cr-00228-CEH-UAM-1

Opinion Issued

Enclosed is a copy of the Court's decision issued today in this case. Judgment has been entered today pursuant to FRAP 36. The Court's mandate will issue at a later date pursuant to FRAP 41(b).

Petitions for Rehearing

The time for filing a petition for panel rehearing or rehearing en banc is governed by 11th Cir. R. 40-2. Please see FRAP 40 and the accompanying circuit rules for information concerning petitions for rehearing. Among other things, **a petition for rehearing must include a Certificate of Interested Persons.** See 11th Cir. R. 40-3.

Costs

No costs are taxed.

Bill of Costs

If costs are taxed, please use the most recent version of the Bill of Costs form available on the Court's website at www.ca11.uscourts.gov. For more information regarding costs, see FRAP 39 and 11th Cir. R. 39-1.

Attorney's Fees

The time to file and required documentation for an application for attorney's fees and any objection to the application are governed by 11th Cir. R. 39-2 and 39-3.

Appointed Counsel

Counsel appointed under the Criminal Justice Act (CJA) must submit a voucher claiming compensation via the eVoucher system no later than 45 days after issuance of the mandate or the filing of a petition for writ of certiorari. Please contact the CJA Team at (404) 335-6167 or cja_evoucher@ca11.uscourts.gov for questions regarding CJA vouchers or the eVoucher system.

Clerk's Office Phone Numbers

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OPIN-1 Ntc of Issuance of Opinion