

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Jonathan Cisneros,

Petitioner,

v.

United States of America,

Respondent.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Tenth Circuit

**APPENDIX
TO
PETITION FOR WRIT OF CERTIORARI**

UNITED STATES DISTRICT COURT

District of Colorado

UNITED STATES OF AMERICA

v.

JONATHAN CISNEROS

JUDGMENT IN A CRIMINAL CASE

Case Number: 24-cr-00244-RMR-01

USM Number: 30541-511

Aron Lee Israelite

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Indictment☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 922(g)(1)	Possession of a Firearm by a Prohibited Person	08/08/2024	1

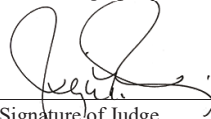
The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

July 22, 2025

Date of Imposition of Judgment



Signature of Judge

Regina M. Rodriguez, United States District Judge

Name and Title of Judge

July 23, 2025

Date

DEFENDANT: JONATHAN CISNEROS
CASE NUMBER: 24-cr-00244-RMR-01

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: **thirty (30) months**, to be served concurrent to any sentence imposed in Weld County Combined Court, Case No. 2025CR419.

- ☐ The court makes the following recommendations to the Bureau of Prisons:
- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at _____ ☐ a.m. ☐ p.m. on _____.
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before 2 p.m. on _____.
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

DEPUTY UNITED STATES MARSHAL

DEFENDANT: JONATHAN CISNEROS
CASE NUMBER: 24-cr-00244-RMR-01

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on the following page.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 100.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ _____	\$ _____
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the following page may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Publ. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: JONATHAN CISNEROS
CASE NUMBER: 24-cr-00244-RMR-01

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☐ Lump sum payment of \$ _____ due immediately, balance due
- ☐ not later than _____, or
- ☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Case Number

Defendant and Co-Defendant Names
(including defendant number)

Total Amount

Joint and Several Amount

Corresponding Payee, if
appropriate

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:
A Beretta M9 9mm pistol with serial number M9-221738 and approximately 14 rounds of 9mm ammunition.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

2026 WL 538184

Only the Westlaw citation is currently available.

United States Court of Appeals, Tenth Circuit.

UNITED STATES Of America, Plaintiff - Appellee,

v.

Jonathan CISNEROS, Defendant - Appellant.

No. 25-1309

|

FILED February 26, 2026

(D.C. No. 1:24-CR-00244-RMR-1) (D. Colo.)

Attorneys and Law Firms

Kurt Bohn, Talia Bucci, Michael Conrad Johnson, Office of the United States Attorney, Denver, CO, for Plaintiff - Appellee.

Leah Deborah Yaffe, Office of the Federal Public Defender, Denver, CO, for Defendant - Appellant.

Before TYMKOVICH, PHILLIPS, and FEDERICO, Circuit Judges.

ORDER AND JUDGMENT *

Gregory A. Phillips, Circuit Judge

*1 Jonathan Cisneros appeals his 18 U.S.C. § 922(g)(1) conviction. He argues that § 922(g)(1) violates the Second Amendment. But he correctly acknowledges that Tenth Circuit precedent holds otherwise. See *Vincent v. Bondi*, 127 F.4th 1263 (10th Cir. 2025). So we exercise our jurisdiction under 28 U.S.C. § 1291 and affirm.

BACKGROUND

Early one morning in August 2024, Cisneros stole a truck from its owner's garage in Johnstown, Colorado. Police caught up to him later the same day by using the truck's built-in location monitor. Officers followed Cisneros to Denver, before disabling and then stopping the truck. Cisneros and the other occupants fled on foot. When police caught up to him, they found a loaded 9mm semiautomatic handgun in a fanny pack wrapped around his waist.

Because Cisneros already had a felony conviction, a federal grand jury charged him with one count of being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). Cisneros moved to dismiss the indictment on the ground that § 922(g)(1) was unconstitutional both facially and as applied to him. The district court denied Cisneros's motion, recognizing that it was bound by *Vincent*, 127 F.4th at 1266. But the district court acknowledged that Cisneros had “preserved this issue for future decision by higher courts.” R. at 27.

Cisneros pleaded guilty but reserved his right to appeal the district court's order. The court sentenced him to thirty months' imprisonment. Cisneros timely appealed.

STANDARD OF REVIEW

“We review de novo the district court's denial of a motion to dismiss an indictment on constitutional grounds.” *United States v. Brune*, 767 F.3d 1009, 1015 (10th Cir. 2014). As part of our de novo review, we presume a challenged statute is constitutional. *Id.* We thus require “a plain showing that Congress has exceeded its constitutional bounds.” *Id.* (citation omitted).

DISCUSSION

The Second Amendment states: “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. In *United States v. McCane*, we held that § 922(g)(1)'s prohibition on felons possessing firearms did not violate the Second Amendment. 573 F.3d 1037, 1047 (10th Cir. 2009).

But in 2022, the Supreme Court made the Second Amendment's “constitutional standard ... more explicit.” *N.Y. State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1, 31 (2022). In *Bruen*, the Supreme Court held that “the standard for applying the Second Amendment” involves asking whether the Amendment's “plain text covers an individual's conduct” and, if so, whether the challenged government regulation “is consistent with the Nation's historical tradition of firearm regulation.” *Id.* at 24.

Then just two years later, the Supreme Court clarified its holding in *Bruen*. See *United States v. Rahimi*, 602 U.S. 680,

691 (2024). The Court explained that *Bruen* was “not meant to suggest a law trapped in amber.” *Id.* The Court held that “the reach of the Second Amendment is not limited only to those arms that were in existence at the founding.” *Id.* Rather, the “appropriate analysis involves considering whether the challenged regulation is consistent with the principles that underpin our regulatory tradition.” *Id.* at 692. In *Rahimi*, the Supreme Court reiterated that its holding was not meant to cast doubt on all firearm regulations, noting that prohibitions, “like those on the possession of firearms by ‘felons and the mentally ill,’ are ‘presumptively lawful.’” *Id.* at 699 (quoting *District of Columbia v. Heller*, 554 U.S. 570, 626, 627 n.26 (2008)).

*2 Just last year, we reaffirmed *McCane* and upheld § 922(g)(1). *Vincent*, 127 F.4th at 1265–66. We “relied on *Heller*’s instruction that felon dispossession laws are presumptively valid” and concluded that neither *Bruen* nor *Rahimi* abrogated our holding in *McCane*. *Id.* at 1265.

Cisneros acknowledges that *Vincent* forecloses his argument but “raises it to preserve it for further review.” Op. Br. at 3. He suggests that our holding in *Vincent* was wrong because it relied on nonbinding dicta from *Heller* and *Rahimi* and that, in any event, the government cannot provide a satisfactory historical analogue to § 922(g)(1) to satisfy the standard from

Bruen and *Rahimi*. He also argues that even if § 922(g)(1) is facially unconstitutional, it cannot constitutionally be applied to “persons in [his] situation.”¹ Op. Br. at 11.

The district court denied Cisneros’s motion to dismiss by relying on *Vincent*. We are in the same position. We cannot overrule a prior precedent without a statutory change or an intervening Supreme Court decision. See *United States v. Salazar*, 987 F.3d 1248, 1254 (10th Cir. 2021). We have neither here. So because § 922(g)(1) does not violate the Second Amendment, Cisneros’s facial challenge fails. See *Vincent*, 127 F.4th at 1266. And because § 922(g)(1) constitutionally applies to “all individuals convicted of felonies,” Cisneros’s as-applied challenge fails, too. *Id.* Thus, the district court correctly denied Cisneros’s motion to dismiss the indictment.

CONCLUSION

For the reasons stated above, we affirm.

All Citations

Not Reported in Fed. Rptr., 2026 WL 538184

Footnotes

* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

¹ Cisneros does not explain who “persons in [his] situation” are or why § 922(g)(1) cannot constitutionally be applied to them.

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

May 20, 2026

Clerk
United States Court of Appeals for the Tenth
Circuit
Byron White Courthouse
1823 Stout Street
Denver, CO 80257

Re: Jonathan Cisneros
v. United States
Application No. 25A1285
(Your No. 25-1309)

Dear Clerk:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to Justice Gorsuch, who on May 20, 2026, extended the time to and including June 26, 2026.

This letter has been sent to those designated on the attached notification list.

Sincerely,

Scott S. Harris, Clerk

by 

Sara Simmons
Case Analyst

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

Scott S. Harris
Clerk of the Court
(202) 479-3011

NOTIFICATION LIST

Ms. Leah D. Yaffe
Office of the Federal Public Defender
633 17th Street, Suite 1000
Denver, CO 80202

Mr. D. John Sauer
Solicitor General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Clerk
United States Court of Appeals for the Tenth Circuit
Byron White Courthouse
1823 Stout Street
Denver, CO 80257
