

No. 26-5025

IN THE SUPREME COURT OF THE UNITED STATES

ALEXANDER WESLEY LEDVINA, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

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Petitioner contends (Pet. 7-10, 13-20) that 18 U.S.C. 922(g)(3), the federal statute that prohibits a person from possessing a firearm if he "is an unlawful user of or addicted to any controlled substance," ibid., is unconstitutionally vague and violates the Second Amendment as applied to him. In United States v. Hemani, 146 S. Ct. 1677 (2026), this Court held that Section 922(g)(3) violated the Second Amendment as applied to the defendant in that case. The petition, however, does not require any action by this Court on account of Hemani.

The court of appeals has already vacated petitioner's Section 922(g)(3) conviction and remanded the case to the district court

to reassess petitioner's as-applied challenge in light of intervening circuit precedent. Pet. App. 8a-9a. On remand, the district court will have the opportunity to consider the effect of Hemani on this case.

Meanwhile, the interlocutory posture of the case "alone furnishe[s] sufficient ground for the denial of" the petition for a writ of certiorari. Hamilton-Brown Shoe Co. v. Wolf Bros. & Co., 240 U.S. 251, 258 (1916); see Stephen M. Shapiro et al., Supreme Court Practice § 4.18 & n.72, at 282-283 (10th ed. 2013). If petitioner is dissatisfied with the outcome of further lower-court proceedings, he will be able to raise his current claims, together with any other claims that may arise on remand, in a single petition for a writ of certiorari. See Major League Baseball Players Ass'n v. Garvey, 532 U.S. 504, 508 n.1 (2001) (per curiam). This case accordingly presents no occasion for this Court to depart from its usual practice of awaiting final judgment before deciding whether to review a criminal conviction. The petition for a writ of certiorari should be denied.*

Respectfully submitted.

D. JOHN SAUER
Solicitor General

SEPTEMBER 2026

* The government waives any further response to the petition for a writ of certiorari unless this Court requests otherwise.