

No. _____

In the
Supreme Court of the United States

Antonio Daleon White,

Petitioner,

v.

United States of America,

Respondent.

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

PETITION FOR A WRIT OF CERTIORARI

Jason D. Hawkins
Federal Public Defender

Maria Gabriela Vega
Assistant Federal Public Defender

Federal Public Defender's Office
Northern District of Texas
525 South Griffin Street, Suite 629
Dallas, TX 75202
(214) 767-2746
gabriela_vega@fd.org

QUESTIONS PRESENTED

1. Whether 18 U.S.C. § 922(g)(1) comports with the Second Amendment.
2. Whether Congress may criminalize intrastate firearm possession based solely on the firearm crossing state lines at some point before the defendant came to possess it.
3. Whether at minimum this Court should grant, vacate, and remand for reconsideration because of an intervening circuit decision that may invalidate precedent on which the panel opinion below relies.

PARTIES TO THE PROCEEDING

Petitioner is Antonio Daleon White, who was the Defendant-Appellant in the court below. Respondent, the United States of America, was the Plaintiff-Appellee in the court below.

RELATED PROCEEDINGS

- *United States v. White*, No. 4:25-cr-00095-O, U.S. District Court for the Northern District of Texas. Judgment entered on Sept. 12, 2025.
- *United States v. White*, No. 25-11063, U.S. Court of Appeals for the Fifth Circuit. Judgment entered on May 5, 2026.

TABLE OF CONTENTS

Questions Presented	i
Parties to the Proceeding	ii
Related Proceedings.....	ii
Table of Contents.....	iii
Appendices	v
Table of Authorities	vi
Petition for a Writ of Certiorari	1
Opinions Below	1
Jurisdiction	1
Provisions Involved.....	1
Statement of the Case	2
I. Facts and Proceedings in District Court.....	2
II. Appellate Proceedings	5
Reasons For Granting This Petition	6
I. Lower courts require guidance on how to adjudicate Second Amendment challenges to 18 U.S.C. § 922(g)(1) prosecutions.....	6
A. To sustain a prosecution under § 922(g)(1), the government must identify historical analogues that match “why” and “how” § 922(g)(1) burdens the Second Amendment right.	6
B. The lower courts have split on the Second Amendment’s text, history, and application to § 922(g)(1) prosecutions today.....	8
II. This Court should delineate the boundaries of federal authority under the Commerce Clause in the firearm context.	11
A. Federal appellate courts differ on the relationship between <i>Scarborough</i> and <i>Lopez</i>	14
B. An unchecked Commerce power would significantly expand Congress’s reach into state affairs.	16

III.	At minimum, this Court should grant, vacate, and remand for reconsideration after the en banc Fifth Circuit decides <i>United States v. Squire</i> , No. 25-30324 (5th Cir. reh’g en banc granted Jul. 20, 2026).....	18
Conclusion.....		19

APPENDICES

Appendix A	Opinion, <i>United States v. White</i> , No. 25-11063 (5th Cir. May 5, 2026)	Pet. App’x a001–a002
Appendix B	Judgment and Sentence, <i>United States v. White</i> , No. 4:25-cr-00095-O (N.D. Tex. Sept. 12, 2025)	Pet. App’x a003–a006

TABLE OF AUTHORITIES

	Page(s)
Federal Cases	
<i>A.L.A. Schechter Poultry Corp. v. United States</i> , 295 U.S. 495 (1935)	17
<i>Alderman v. United States</i> , 562 U.S. 1163 (2011)	14, 17
<i>District of Columbia v. Heller</i> , 554 U.S. 570 (2008)	9
<i>Kanter v. Barr</i> , 919 F.3d 437 (7th Cir. 2019)	11
<i>Lawrence on Behalf of Lawrence v. Chater</i> , 516 U.S. 163 (1996)	18
<i>N.L.R.B. v. Jones & Laughlin Steel Corp.</i> , 301 U.S. 1 (1937)	17
<i>Nat’l Fed’n of Indep. Bus. v. Sebelius</i> , 567 U.S. 519 (2012)	18
<i>New York State Rifle & Pistol Association, Inc. v. Bruen</i> , 597 U.S. 1 (2022)	6, 7, 8
<i>Pitsilides v. Barr</i> , 128 F.4th 203 (3d Cir. 2025)	11
<i>Range v. Att’y Gen.</i> , 124 F.4th 218 (3d Cir. 2024) (en banc)	10, 11
<i>Scarborough v. United States</i> , 431 U.S. 563 (1977)	12
<i>Scarborough v. United States</i> , 431 U.S. 564 (1977)	18
<i>United States v. Alcantar</i> , 733 F.3d 143 (5th Cir. 2013)	6, 18
<i>United States v. Bishop</i> , 66 F.3d 569 (3d Cir. 1995)	15

<i>United States v. Chesney</i> , 86 F.3d 564 (6th Cir. 1996)	16
<i>United States v. Cockerham</i> , 162 F.4th 500 (5th Cir. 2025)	10
<i>United States v. Cortes</i> , 299 F.3d 1030 (9th Cir. 2002)	15
<i>United States v. Crump</i> , 120 F.3d 462 (4th Cir. 1997)	16
<i>United States v. Diaz</i> , 116 F.4th 458 (5th Cir. 2024)	6, 10
<i>United States v. Dorris</i> , 236 F.3d 582 (10th Cir. 2000)	15
<i>United States v. Doucet</i> , No. 24-30656, 2025 WL 3515404 (5th Cir. Dec. 8, 2025)	10
<i>United States v. Duarte</i> , 101 F.4th 657 (9th Cir. 2024)	10
<i>United States v. Duarte</i> , 137 F.4th 743 (9th Cir. 2025)	9, 10
<i>United States v. Dubois</i> , 94 F.4th 1284 (11th Cir. 2024), <i>cert. granted, judgment vacated</i> , 145 S. Ct. 1041 (2025)	9
<i>United States v. Gateward</i> , 84 F.3d 670 (3d Cir. 1996)	15
<i>United States v. Hanna</i> , 55 F.3d 1456 (9th Cir. 1995)	15
<i>United States v. Hemani</i> , 608 U.S. —, No. 24-1234, 2026 WL 1751710 (U.S. June 18, 2026)	8
<i>United States v. Hembree</i> , 165 F.4th 909 (5th Cir. 2026)	10
<i>United States v. Hunt</i> , 123 F.4th 697 (4th Cir. 2024)	9

<i>United States v. Jackson</i> , 110 F.4th 1120 (8th Cir. 2024).....	9
<i>United States v. Johnson</i> , 42 F.4th 743 (7th Cir. 2022).....	12
<i>United States v. Kimble</i> , 142 F.4th 308 (5th Cir. 2025).....	11
<i>United States v. Kirk</i> , 105 F.3d 997 (5th Cir. 1997)	14
<i>United States v. Kuban</i> , 94 F.3d 971 (5th Cir. 1996)	14
<i>United States v. Lemons</i> , 302 F.3d 769 (7th Cir. 2002)	15
<i>United States v. Lopez</i> , 514 U.S. 549 (1995)	12, 13, 16, 17, 18
<i>United States v. Mitchell</i> , 160 F.4th 169 (5th Cir. 2025).....	10
<i>United States v. Morrison</i> , 529 U.S. 598 (2000)	14, 17
<i>United States v. Patterson</i> , 853 F.3d 298 (6th Cir. 2017)	15
<i>United States v. Patton</i> , 451 F.3d 615 (10th Cir. 2006)	15
<i>United States v. Rahimi</i> , 602 U.S. 680 (2024)	7, 8, 13
<i>United States v. Rawls</i> , 85 F.3d 240 (5th Cir. 1996)	6, 14, 15, 18
<i>United States v. Santiago</i> , 238 F.3d 213 (2d Cir. 2001).....	15
<i>United States v. Schnur</i> , 132 F.4th 863 (5th Cir. 2025).....	6, 11
<i>United States v. Seekins</i> , 52 F.4th 988 (5th Cir. 2022).....	12, 17

<i>United States v. Shelton</i> , 66 F.3d 991 (8th Cir. 1995)	15
<i>United States v. Smith</i> , 101 F.3d 202 (1st Cir. 1996)	15
<i>United States v. Williams</i> , 113 F.4th 637 (6th Cir. 2024)	10, 11
<i>United States v. Wright</i> , 607 F.3d 708 (11th Cir. 2010)	16
<i>Vincent v. Bondi</i> , 127 F.4th 1263 (10th Cir. 2025)	9
<i>Zherka v. Bondi</i> , 140 F.4th 68 (2d Cir. 2025)	9, 10
Federal Statutes	
18 U.S.C. § 922(g)	5, 11
18 U.S.C. § 922(g)(1)	1, 3, 4, 5, 6, 8, 10, 18
18 U.S.C. § 922(g)(3)	8
18 U.S.C. § 922(g)(8)(C)(i)	7
18 U.S.C. § 922(q)	12
28 U.S.C. § 1254(1)	1
Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. No. 90- 351, § 1202, 82 Stat. 197	11
Constitutional Provisions	
U.S. Const. amend. II	1, 3, 6
U.S. Const. art. I, § 8, cl. 3	1, 17
Other Authorities	
C. Sunstein, On Analogical Reasoning, 106 Harv. L. Rev. 741, 773 (1993)	7
Petition for Reh'g En Banc, <i>United States v. Squire</i> , No. 25-30324, ECF No. 75 (5th Cir. June 16 2026)	18, 19

PETITION FOR A WRIT OF CERTIORARI

Antonio Daleon White seeks a writ of certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit.

OPINIONS BELOW

The Fifth Circuit's unpublished opinion is available at *United States v. White*, No. 25-11063, 2026 WL 1230329 (5th Cir. May 5, 2026). It is reprinted in Appendix A to this Petition. The district court's judgment and sentence in *United States v. White*, No. 4:25-cr-00095-O (N.D. Tex. Sept. 12, 2025), is reprinted in Appendix B.

JURISDICTION

The Fifth Circuit entered judgment on May 5, 2026. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

PROVISIONS INVOLVED

U.S. Const. art. I, § 8, cl. 3:

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes[.]

U.S. Const. amend. II:

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.

18 U.S.C. § 922(g)(1):

(g) It shall be unlawful for any person—

(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year...

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has

been shipped or transported in interstate or foreign commerce.

STATEMENT OF THE CASE

I. Facts and Proceedings in District Court

Before this case, Petitioner **Error! Reference source not found.** Antonio Daleon White was convicted of felony possession of a prohibited weapon, felony possession of cocaine, aggravated robbery with a firearm, failure to identify, and misdemeanor assault. ROA.208, ECF No. 30-1 [sealed], Presentence Investigation Report (PSR) ¶¶ 35–42.

Then, on November 1, 2024, officers with the Arlington Police Department were dispatched to a domestic disturbance at Shenerica Thomas’s apartment. PSR ¶ 10. Thomas reported that White, her ex-boyfriend, had arrived at her apartment armed and unannounced. PSR ¶ 11. Because Thomas had an active protective order against White, White was prohibited from being there and from having a firearm. PSR ¶ 10. Officers also confirmed that White was a convicted felon and currently on bond for an assault charge. PSR ¶¶ 10, 53. At the apartment, officers located a Spike’s Tactical, Model ST15, 5.56x45-millimeter rifle, bearing Serial No. NSL036795, which Thomas stated belonged to White. PSR ¶ 11. White was arrested on a preexisting arrest warrant, as well as new state charges of unlawful possession of a firearm by a felon and violation of bond or protective order. PSR ¶¶ 54–56. White bonded out on November 8, 2024. PSR ¶ 11.

On January 31, 2025, officers were again dispatched to Thomas’s apartment after a 911 caller reported observing White strike Thomas. PSR ¶ 13. Officers found

Thomas with visible injuries and located White hiding inside the apartment. PSR ¶ 13. On his person, officers found a Raven Arms, Model MP-25, .25-caliber pistol, with a serial number that started with “1” and ended with “805.” PSR ¶ 13. Officers arrested White; and following White’s transport to jail, discovered approximately 0.6 grams of cocaine on his person. PSR ¶¶ 13–14. The state charged White with unlawful possession of a firearm, assault, and prohibited substance/item in a correctional facility. PSR ¶¶ 57–59.

Investigators later confirmed that the firearms recovered were manufactured outside of Texas. PSR ¶ 15. A federal grand jury indicted White on two violations (one for each date above) of 18 U.S.C. § 922(g)(1), but the indictment did not specify a predicate conviction. ROA.13-14.

White moved to dismiss on three grounds. ROA.34-56. First, White argued that his prosecution under § 922(g)(1) violated the Second Amendment. ROA.36-50. Next, White argued that § 922(g)(1)’s “possession” prong exceeded Congress’s Commerce Clause power. ROA.51-55. In a footnote, White also acknowledged that the constitutional issue arose because of precedent interpreting the offense’s “in or affecting commerce” element. ROA.52. And he expressed disagreement with this statutory interpretation. ROA.52. The district court denied the motion. ROA.5.

White then agreed to plead guilty to the January 31, 2025, firearm possession. ROA.13, 198-206. He also agreed to waive his rights “to appeal the conviction, sentence, fine and order of restitution or forfeiture in an amount to be determined by the

Court,” subject to limited, enumerated exceptions. ROA.204. In exchange, the government agreed to “not bring any additional charges...based upon the conduct underlying and related to” White’s “plea of guilty.” ROA.203. The government also agreed to “dismiss any remaining charges” “[a]fter sentence is imposed[.]” ROA.203.

White consented to pleading guilty before a U.S. Magistrate Judge. ROA.73, 119-20. At the hearing, the presiding judge advised White that conviction under § 922(g)(1) required proof of four elements. ROA.140-41. For the “in and affecting commerce” element, the judge stated that the element was met when, “before the defendant possessed the charged firearm, it had traveled at some time from one state to another or between any part of the United States and any other country.” ROA.140-41. Further, White had stipulated prior to the hearing that “[o]n or about January 31, 2025,” he “knowingly possessed” “a Raven Arms, .25-caliber firearm,” which, “before January 31, 2025,” “had travelled in interstate or foreign commerce to reach Texas” because “it was not manufactured in Texas.” ROA.71.¹ White affirmed at re-arraignment that this written stipulation was “true and correct.” ROA.157-58. The presiding judge accordingly found that a sufficient factual basis supported White’s guilty plea. ROA.156-60. The presiding judge also found that White’s guilty plea was knowing and voluntary. ROA.159-60. The U.S. Magistrate Judge recommended accepting White’s guilty plea, and the district court later did so without objection. ROA.5, 74-75.

¹ White also admitted a predicate conviction in his stipulation. ROA.71 (referencing “a 2008 Tarrant County felony conviction for aggravated robbery in case #1064347D”). *See also* PSR ¶ 39.

In the Presentence Investigation Report (“PSR”), U.S. Probation considered both firearm possessions when calculating White’s guideline range—the January 31, 2025, offense to which White pleaded guilty, and the November 1, 2024 possession that the government agreed to dismiss. *Compare* ROA.13-14, 203 *with* PSR ¶¶ 10–15, 22. In the end, Probation calculated a 70–87 months recommended imprisonment range. PSR ¶ 99.

Initially, neither party objected to the guideline range. ROA.209 Gov’t’s Resp. to the PSR, ECF No. 31 [sealed]; ROA.210 Def.’s Statement Regarding PSR, ECF No. 32 [sealed]. At sentencing, however, White objected to the classification of his aggravated robbery convictions as crimes of violence. ROA.176. The court overruled the objection and adopted the PSR and its guideline calculations. ROA.180. Both parties requested guideline sentences. ROA.180-82. Even so, the court upwardly varied to 120 months’ imprisonment. ROA.184.

II. Appellate Proceedings

White raised three challenges to his § 922(g)(1) conviction on appeal. *First*, White argued that precedent misinterprets “in or affecting commerce” in 18 U.S.C. § 922(g); and if so, that his plea was not constitutionally valid and the factual basis insufficient for conviction. *Second*, White argued that, if properly interpreted, Congress exceeded its commerce power when it enacted § 922(g). *Third*, White maintained that his § 922(g)(1) conviction could not pass constitutional muster under the Second Amendment. White also made various arguments for why the court of appeals could reach the merits of these issues despite his appeal waiver, including that enforcement would result in a miscarriage of justice.

The Fifth Circuit summarily affirmed in an unpublished opinion. *United States v. White*, No. 25-11063, 2026 WL 1230329 (5th Cir. May 5, 2026), *reprinted at* Pet. App’x a001–a002. The panel held that White’s challenges were all foreclosed. Pet. App’x a002. It relied on *United States v. Rawls*, 85 F.3d 240, 242 (5th Cir. 1996), and *United States v. Alcantar*, 733 F.3d 143, 145–46 (5th Cir. 2013), for the commerce issues; and *United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024), and *United States v. Schnur*, 132 F.4th 863, 870–71 (5th Cir. 2025), to dispose of the Second Amendment claim. Pet. App’x a002.

REASONS FOR GRANTING THIS PETITION

I. Lower courts require guidance on how to adjudicate Second Amendment challenges to 18 U.S.C. § 922(g)(1) prosecutions.

The Second Amendment guarantees “the right of the people to keep and bear arms.” U.S. Const. amend. II. Yet 18 U.S.C. § 922(g)(1) indiscriminately denies that right to anyone “who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year.” This Court should decide whether, when, and how § 922(g)(1) prosecutions fall outside the Second Amendment’s unqualified command.

A. To sustain a prosecution under § 922(g)(1), the government must identify historical analogues that match “why” and “how” § 922(g)(1) burdens the Second Amendment right.

“When the Second Amendment’s plain text covers an individual’s conduct,” the government must “justify its regulation by demonstrating that it is consistent with the Nation’s historical tradition of firearm regulation.” *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1, 24 (2022). The governing “historical inquiry”

requires lower courts to find “a historical regulation” or “analogue” that is “relevantly similar” to a “modern firearm regulation” to establish the constitutionality of the modern law. *Id.* at 28–29 (quoting C. Sunstein, On Analogical Reasoning, 106 Harv. L. Rev. 741, 773 (1993)). Relevant similarity, as sketched out by *Bruen*, means that the regulations must match on “how and why” the Second Amendment right is burdened. *Id.* at 29. Otherwise stated, “whether modern and historical regulations impose a comparable burden on the right of armed self-defense and whether that burden is comparably justified are central considerations....” *Id.* (cleaned up).

United States v. Rahimi, 602 U.S. 680 (2024), applied *Bruen* to a conviction under 18 U.S.C. § 922(g)(8)(C)(i). But *Rahimi* “conclude[d] only this: An individual found by a court to pose a credible threat to the physical safety of another may be temporarily disarmed consistent with the Second Amendment.” *Rahimi*, 602 U.S. at 702 (emphasis added). True, *Rahimi* clarified that “the appropriate analysis involves considering whether the challenged regulation is consistent with the *principles* that underpin our regulatory tradition,” *id.* at 692 (citing *Bruen*, 597 U.S. at 26–31) (emphasis added), emphasizing that a “a ‘historical twin’ is not required,” *id.* at 701 (quoting *Bruen*, 597 U.S. at 30) (emphasis in *Rahimi*). And it found that “Section 922(g)(8)[’s]...prohibition on the possession of firearms by those found by a court to present a threat to others fits neatly within the tradition th[at] surety and going armed laws,” both “founding era regimes,” “represent.” *Id.* at 698. But *Rahimi*’s reasoning left unresolved whether the government could invoke this tradition to justify

a statute like § 922(g)(1), which imposes a permanent firearm possession ban regardless of any threat, judicially determined or otherwise, that an individual person may pose. *Rahimi* thus still left lower courts “at sea when it comes to evaluating” § 922(g)(1), placing courts in acute “need [of] a solid anchor for grounding their constitutional pronouncements.” *Rahimi*, 602 U.S. at 747 (Jackson, J., concurring).

Last Term, the Court revisited how *Bruen* applies to federal firearm crimes in *United States v. Hemani*, 608 U.S. —, No. 24-1234, 2026 WL 1751710 (U.S. June 18, 2026). *Hemani* considered an attempted prosecution under 18 U.S.C. § 922(g)(3) against Ali Hemani “because he uses marijuana a few times a week.” 2026 WL 1751710, at *3, *11. *Hemani* held that the Second Amendment did not tolerate it. *Id.* at *11–12. *Hemani* again explicitly left unresolved, however, how *Bruen* applies to § 922(g)(1). *Id.* at *10 n.6, *11 (U.S. June 18, 2026).

Lacking that guidance, “lower courts applying *Bruen*’s approach have been unable to produce consistent, principled results, and, in fact, they have come to conflicting conclusions on virtually every consequential Second Amendment issue to come before them.” *Rahimi*, 602 U.S. at 743 (Jackson, J., concurring) (cleaned up).

B. The lower courts have split on the Second Amendment’s text, history, and application to § 922(g)(1) prosecutions today.

To start, some circuits see no need to conduct *Bruen*’s text-and-history analysis in the § 922(g)(1) context, relying instead on Supreme Court dicta predating *Bruen*. Others apply *Bruen*’s text-and-history framework but disagree about whether felons are part of “the people” protected by the Second Amendment. The courts of appeals

have also split on the traditions that justify § 922(g)(1), and they vary as to whether the statute is vulnerable to as-applied challenges.

The Second, Fourth, Eighth, Ninth, Tenth, and Eleventh Circuits all “have upheld the categorical application of § 922(g)(1) to all felons.” *United States v. Duarte*, 137 F.4th 743, 747–48 (9th Cir. 2025) (citing *United States v. Hunt*, 123 F.4th 697, 707–08 (4th Cir. 2024); *United States v. Jackson*, 110 F.4th 1120, 1129 (8th Cir. 2024); *Vincent v. Bondi*, 127 F.4th 1263, 1265–66 (10th Cir. 2025); *United States v. Dubois*, 94 F.4th 1284, 1293 (11th Cir. 2024), *cert. granted, judgment vacated*, 145 S. Ct. 1041 (2025)); *Zherka v. Bondi*, 140 F.4th 68, 75, 78–79 (2d Cir. 2025). Each placed significant weight on this Court’s statement in *District of Columbia v. Heller*, 554 U.S. 570, 626–27 & n.26 (2008), that “prohibitions on the possession of firearms by felons” are “presumptively lawful.” See *Hunt*, 123 F.4th at 703–04; *Jackson*, 110 F.4th at 1128–29; *Vincent*, 127 F.4th at 1265; *Dubois*, 94 F.4th at 1293; *Duarte*, 137 F.4th at 750–52; *Zherka*, 140 F.4th at 75 (relying on pre-*Bruen* precedent that cited *Heller*’s presumptively lawful language to conclude that the statute is facially constitutional).

The Second, Fourth, Eighth and Ninth Circuits went even farther. The Fourth Circuit concluded that both the text and history supported the exclusion of felons from the arms-bearing right. See *Hunt*, 123 F.4th at 704–08. The Eighth Circuit reached the same end point based on the history alone. See *Jackson*, 110 F.4th at 1126–29. The en banc Ninth Circuit “agree[d] with the Fourth and Eighth Circuits that...historical tradition is sufficient to uphold the application of § 922(g)(1) to all felons.” *Duarte*, 137 F.4th at 761 (citing *Jackson*, 110 F.4th at 1127–28; *Hunt*, 123

F.4th at 706).² The Second Circuit later joined the ranks on this side of the split. *Zherka*, 140 F.4th at 78–79.

On the other end, the Sixth Circuit has endorsed that “§ 922(g)(1) might be unconstitutional as applied to at least *some* felons.” *Duarte*, 137 F.4th at 748 (citing *United States v. Williams*, 113 F.4th 637, 661–62 (6th Cir. 2024)). “[T]he Third Circuit has held that § 922(g)(1) is unconstitutional as applied to a felon who was convicted of making a false statement to secure food stamps.” *Duarte*, 137 F.4th at 748 (citing *Range v. Att’y Gen.*, 124 F.4th 218, 222–23 (3d Cir. 2024) (en banc)). And the Fifth Circuit has reversed § 922(g)(1) convictions on multiple as-applied grounds. *See United States v. Hembree*, 165 F.4th 909, 910 (5th Cir. 2026); *United States v. Cockerham*, 162 F.4th 500 (5th Cir. 2025); *United States v. Mitchell*, 160 F.4th 169, 173 (5th Cir. 2025); *United States v. Doucet*, No. 24-30656, 2025 WL 3515404 (5th Cir. Dec. 8, 2025). *See also United States v. Diaz*, 116 F.4th 458, 469–70 & n.4 (5th Cir. 2024) (first opening the door to as-applied constitutional challenges post-*Bruen*).

The Third, Fifth, and Sixth Circuits agree *Heller*’s “presumptively lawful” dicta could not “supplant the most recent analysis set forth by the Supreme Court in *Rahimi*....” *Diaz*, 116 F.4th at 466. *See also Range*, 124 F.4th at 224–25; *Williams*, 113 F.4th at 646. But on the history, the Fifth Circuit alone endorsed capital punishment at the founding as the dispositive historical analogue, *see Diaz*, 116 F.4th at

² In *Duarte*, the en banc Ninth Circuit overruled a panel opinion holding the statute unconstitutional as applied to a person with prior convictions for vandalism, drug possession, and evading arrest. *See United States v. Duarte*, 101 F.4th 657, 661–63 (9th Cir.), *reh’g en banc granted, opinion vacated*, 108 F.4th 786 (9th Cir. 2024), *on reh’g en banc*, 137 F.4th 743 (9th Cir. 2025).

467–70; the Third Circuit, for its part, found the historical availability of the death penalty irrelevant, *see Range*, 124 F.4th at 231; *accord Kanter v. Barr*, 919 F.3d 437, 461–62 (7th Cir. 2019), *abrogated by Bruen* (Barrett, J., dissenting). Instead, the linchpin for the Third Circuit’s constitutional holding relied on the lack of evidence that the claimant “poses a physical danger to others.” *Range*, 124 F.4th at 232.

The Sixth Circuit adopted a mixed approach: It blessed “governments label[ing] whole classes as presumptively dangerous,” *Williams*, 113 F.4th at 657, but it “refuse[d] to defer blindly to § 922(g)(1) in its present form,” *Range*, 124 F.4th at 230 (citing *Williams*, 113 F.4th at 658–61). According to the Sixth Circuit, “history shows that § 922(g)(1) might be susceptible to an as-applied challenge” by individuals who show they are “not dangerous....” *Williams*, 113 F.4th at 657. The Fifth Circuit later agreed in part with this analysis. *United States v. Schnur*, 132 F.4th 863, 870 (5th Cir. 2025) (citing *Williams*, 113 F.4th at 661–62). But the circuits departed on the scope of the inquiry. *Compare United States v. Kimble*, 142 F.4th 308, 318 (5th Cir. 2025), *with Williams*, 113 F.4th at 659–60. The Third Circuit aligns with the Sixth Circuit on this point. *Pitsilides v. Barr*, 128 F.4th 203, 211–12 (3d Cir. 2025).

II. This Court should delineate the boundaries of federal authority under the Commerce Clause in the firearm context.

A predecessor to 18 U.S.C. § 922(g), the Omnibus Crime Control and Safe Streets Act of 1968 prohibited “[a]ny person who...has been convicted by a court of the United States or of a State...of a felony” from receiving, possessing, or transporting “in commerce or affecting commerce any firearm.” Pub. L. No. 90-351, § 1202, 82 Stat. 197. In *Scarborough v. United States*, this Court addressed “whether proof that

the possessed firearm previously traveled in interstate commerce is sufficient to satisfy the *statutorily* required nexus between the possession of a firearm by a convicted felon and commerce.” *Scarborough v. United States*, 431 U.S. 563, 564 (1977) (emphasis added). *Scarborough* answered this question “yes,” but the Court did not linger on the constitutional implications of its statutory construction. *See id.* at 577; *see also United States v. Johnson*, 42 F.4th 743, 750 (7th Cir. 2022) (noting that the decision in *Scarborough* “was one of statutory interpretation”); *United States v. Seekins*, 52 F.4th 988, 991 (5th Cir. 2022) (Ho, J., dissenting from denial of rehearing en banc) (“[T]he Court’s holding in *Scarborough* was statutory, not constitutional.”).

By contrast, this Court *did* examine the constitutional question presented by 18 U.S.C. § 922(q) in *United States v. Lopez*, 514 U.S. 549 (1995). The statute “made it a federal offense ‘for any individual knowingly to possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone.’” *Id.* at 551 (quoting 18 U.S.C. § 922(q)(1)(A) (1988 ed., Supp. V)). The district court held that the act constituted a valid exercise of Congress’s commerce power, but the appellate court reversed. *Id.* at 551–52. This Court affirmed the appellate court’s ruling that the statute lay “beyond the power of Congress under the Commerce Clause.” *Id.* at 552.

In so doing, the Court cabined Congress’s commerce power to “three broad categories of activity” subject to regulation: (1) “the use of the channels of interstate commerce”; (2) activities, even if intrastate, that threaten “the instrumentalities of interstate commerce, or persons or things in interstate commerce”; and (3) “activities

having a substantial relation to interstate commerce, i.e., those activities that substantially affect interstate commerce.” *Id.* at 558–59 (internal citations omitted). The Court quickly disposed of any justification for § 922(q) under the first two categories, focusing its inquiry on the third. *Id.* at 559. It noted that § 922(q) was “a criminal statute that by its terms has nothing to do with ‘commerce’ or any sort of economic enterprise,” elaborating in a footnote that “States possess primary authority for defining and enforcing the criminal law” and that federal criminalization of “conduct already denounced as criminal by the States...effects a change in the sensitive relation between federal and state criminal jurisdiction.” *Id.* at 561 & n.3. The Court also expressed deep concern that the government’s arguments for why possession of a firearm in a local school zone substantially affected commerce lent themselves to no limiting principle, opening the door to a “a general federal police power.” *Id.* at 563–66. Ultimately, the Court concluded that “possession of a gun in a local school zone is in no sense an economic activity that might, through repetition elsewhere, substantially affect any sort of interstate commerce.” *Id.* at 567. “Respondent was a local student at a local school; there is no indication that he had recently moved in interstate commerce, and there is no requirement that his possession of the firearm have any concrete tie to interstate commerce.” *Id.*

Given *Lopez*, it is “doubt[ful] that § 922(g)(8)” —and by extension § 922(g)(1)— “is a proper exercise of Congress’s power under the Commerce Clause.” *Rahimi*, 602 U.S. at 765 n.6 (2024) (citing *Lopez*, 514 U.S. at 585 (Thomas, J., concurring))

(Thomas, J., dissenting). But lower courts cannot conclusively resolve the tension between *Scarborough* and *Lopez*. The ultimate question posed by *Lopez*—“whether” intrastate possession of a firearm that crossed state lines long before the regulated possession “affect[s] interstate commerce sufficiently to come under the constitutional power of Congress to regulate”—“can be settled finally only by this Court.” *United States v. Morrison*, 529 U.S. 598, 614 (2000) (cleaned up).

A. Federal appellate courts differ on the relationship between *Scarborough* and *Lopez*.

Federal courts have “cried out for guidance from this Court” on this issue for decades. *Alderman v. United States*, 562 U.S. 1163, 131 S. Ct. 700, 702 (2011) (Thomas, J., dissenting from denial of certiorari). Simply put, “*Scarborough* is in fundamental and irreconcilable conflict with the rationale of the United States Supreme Court in [*Lopez*].” *United States v. Kuban*, 94 F.3d 971, 977 (5th Cir. 1996) (DeMoss, J., dissenting). Until recently, the Fifth Circuit “continue[d] to enforce § 922(g)(1)” unquestioningly because it considered itself “not at liberty to question the Supreme Court’s approval of the predecessor statute to [§ 922(g)(1)].” *United States v. Kirk*, 105 F.3d 997, 1015 n.25 (5th Cir. 1997) (en banc) (per curiam). *See also United States v. Rawls*, 85 F.3d 240, 243 (5th Cir. 1996) (per curiam) (Garwood, J., concurring) (“one might well wonder how it could rationally be concluded that mere possession of a firearm in any meaningful way concerns interstate commerce simply because the firearm had, perhaps decades previously before the charged possessor was even born, fortuitously traveled in interstate commerce,” but concluding that *Scarborough*’s “implication of constitutionality” “bind[s] us, as an inferior court,...whether or not the

Supreme Court will ultimately regard it as a controlling holding in that particular respect.”).

The Fifth Circuit has not been alone in this perspective. *See, e.g., United States v. Patterson*, 853 F.3d 298, 301–02 (6th Cir. 2017) (“If the *Lopez* framework is to have any ongoing vitality, it is up to this Court to prevent it from being undermined by a 1977 precedent,” i.e., *Scarborough*, “that does not squarely address the constitutional issue.” (quoting *Alderman v. United States*, 562 U.S. 1163, 131 S. Ct. at 703 (Thomas, J., dissenting from denial of certiorari))); *United States v. Cortes*, 299 F.3d 1030, 1037 n.2 (9th Cir. 2002) (although “[t]he vitality of *Scarborough* engenders significant debate,” committing to “follow *Scarborough* unwaveringly” “[u]ntil the Supreme Court tells us otherwise”); *United States v. Bishop*, 66 F.3d 569, 587–88, 588 n.28 (3d Cir. 1995) (noting that, until the Supreme Court is more explicit on the relationship between *Lopez* and *Scarborough*, a lower court is “not at liberty to overrule existing Supreme Court precedent”); *United States v. Patton*, 451 F.3d 615, 634–35 (10th Cir. 2006) (collecting cases).

Thus, nine courts of appeals have upheld § 922(g)(1) based solely on *Scarborough*’s minimal nexus test. *See United States v. Smith*, 101 F.3d 202, 215 (1st Cir. 1996); *United States v. Santiago*, 238 F.3d 213, 216–17 (2d Cir. 2001) (per curiam); *United States v. Gateward*, 84 F.3d 670, 671–72 (3d Cir. 1996); *Rawls*, 85 F.3d at 242–43; *United States v. Lemons*, 302 F.3d 769, 771–73 (7th Cir. 2002); *United States v. Shelton*, 66 F.3d 991, 992 (8th Cir. 1995) (per curiam); *United States v. Hanna*, 55 F.3d 1456, 1461–62, 1462 n.2 (9th Cir. 1995); *United States v. Dorris*, 236 F.3d 582,

584–86 (10th Cir. 2000); *United States v. Wright*, 607 F.3d 708, 715 (11th Cir. 2010). Thus far, only two courts of appeals have engaged in *Lopez*’s substantial-effects test and reasoned that § 922(g)(1) is constitutional under it. See *United States v. Crump*, 120 F.3d 462, 466 & n.2 (4th Cir. 1997) (citing *United States v. Langley*, 62 F.3d 602, 606 (4th Cir. 1995) (en banc), *abrogated on other grounds by Rehaif v. United States*, 588 U.S. 225 (2019)); *United States v. Chesney*, 86 F.3d 564, 568–70 (6th Cir. 1996).

Because courts often fail to apply the *Lopez* test to these firearm possession cases at all, defendants across the country lack the constitutional protection from congressional overreach provided by *Lopez*. For instance, applying *Lopez* would demand that § 922(g)’s “possess in or affecting commerce” element require either: 1) proof that the defendant’s offense caused the firearm to move in interstate commerce; or, at least, 2) proof that the firearm moved in interstate commerce at a time reasonably near the offense. But *Scarborough* continues to control the outcome in a large majority of circuits, leaving the “empty, formalistic” requirement of a jurisdictional provision as the only check on Congress’ power to criminalize this kind of intrastate activity. *Chesney*, 86 F.3d at 580 (Batchelder, J., concurring).

B. An unchecked Commerce power would significantly expand Congress’s reach into state affairs.

The federal government’s enumerated powers are “few and defined,” while the powers which remain in the state governments are “numerous and indefinite.” *Lopez*, 514 U.S. at 552 (citing *The Federalist* No. 45, pp. 292–293 (C. Rossiter ed. 1961)). One such enumerated power is “[t]o regulate Commerce . . . among the several States[.]”

U.S. Const. art. I, § 8, cl. 3. But without limits on federal regulatory power, our nationwide regulation would become “for all practical purposes . . . completely centralized” in a federal government. *A.L.A. Schechter Poultry Corp. v. United States*, 295 U.S. 495, 548 (1935). And “constitutional limits on governmental power do not enforce themselves;” instead, “[t]hey require vigilant—and diligent—enforcement.” *Seekins*, 52 F.4th at 989 (Ho, J., dissenting from denial of rehearing en banc).

“Congress may conclude that a particular activity substantially affects interstate commerce” to regulate the activity, but Congress’s mere act of legislating “does not necessarily make it so.” *Morrison*, 529 U.S. at 614 (quoting *Lopez*, 514 U.S. at 557 n.2) (cleaned up). Here, inserting the phrase “which has been shipped or transported in interstate or foreign commerce” after any object connected to intrastate activities that Congress may want to police cannot fulfill the constitutional requirement. *See Alderman*, 131 S. Ct. at 702 (Thomas, J., dissenting from the denial of certiorari) (“*Scarborough*, as the lower courts have read it, cannot be reconciled with *Lopez* because it reduces the constitutional analysis to the mere identification of a jurisdictional hook.”). A judicial blessing of constitutional magnitude for this minimal nexus would “effectually obliterate the distinction between what is national and what is local and create a completely centralized government.” *Lopez*, 514 U.S. at 557 (quoting *N.L.R.B. v. Jones & Laughlin Steel Corp.*, 301 U.S. 1, 37 (1937)). The Commerce Clause power would be reduced to a rubber stamp, opening the door to a federal police power in direct contravention of the federal government the Constitution enshrines. *See Morrison*, 529 U.S. at 618 (“the Founders denied the National Government” “the

police power,” “reposed in the States”); *Nat’l Fed’n of Indep. Bus. v. Sebelius*, 567 U.S. 519, 536 (2012) (the Commerce Clause “must be read carefully to avoid creating a general federal authority akin to the police power”).

III. At minimum, this Court should grant, vacate, and remand for reconsideration after the en banc Fifth Circuit decides *United States v. Squire*, No. 25-30324 (5th Cir. reh’g en banc granted Jul. 20, 2026).

In *Squire*, the en banc Fifth Circuit will reconsider whether its precedent “is based on an erroneous reading of *Scarborough v. United States*, 431 U.S. 564 (1977),” and finally may “apply the *Lopez* framework to § 922(g)(1)” and “bring” the Fifth Circuit’s “precedent into conformity with Supreme Court precedent and the Constitution.” Petition for Reh’g En Banc iv, ECF No. 75, *United States v. Squire*, No. 25-30324 (5th Cir. Jun. 16, 2026). If the Fifth Circuit overrules *Rawls* and *Alcantar*, the opinion below would rely on a plain error rationale. “Where intervening developments, or recent developments that we have reason to believe the court below did not fully consider, reveal a reasonable probability that the decision below rests upon a premise that the lower court would reject if given the opportunity for further consideration, and where it appears that such a redetermination may determine the ultimate outcome of the litigation, a GVR order is, we believe, potentially appropriate.” *Lawrence on Behalf of Lawrence v. Chater*, 516 U.S. 163, 167 (1996). These intervening events “may include a wide range of developments, including our own decisions, State Supreme Court decisions, new federal statutes, administrative reinterpretations of federal statutes, new state statutes, changed factual circumstances, and confessions of error or other positions newly taken by the Solicitor General, and state attorneys general.” *Lawrence*, 516 U.S. at 166–67 (internal citations omitted) (citing *Conner v.*

Simler, 367 U.S. 486, (1961); *Schmidt v. Espy*, 513 U.S. 801 (1994); *Sioux Tribe of Indians v. United States*, 329 U.S. 685 (1946); *Louisiana v. Hays*, 512 U.S. 1230 (1994); *NLRB v. Federal Motor Truck Co.*, 325 U.S. 838 (1945); *Wells v. United States*, 511 U.S. 1050 (1994); *Reed v. United States*, 510 U.S. 1188 (1994); *Ramirez v. United States*, 510 U.S. 1103 (1994); *Chappell v. United States*, 494 U.S. 1075 (1990); *Polsky v. Wetherill*, 403 U.S. 916 (1971)). The upcoming decision in *Squire*, a controlling and likely material decision of a lower court, falls comfortably within this framework. This Court should grant certiorari, vacate the judgment below, and remand for reconsideration in light of *Squire*.

CONCLUSION

Petitioner Antonio Daleon White respectfully submits that at minimum, this Court should grant *certiorari*, vacate the judgment of the United States Court of Appeals for the Fifth Circuit, and remand for reconsideration after the en banc Fifth Circuit decides *Squire*.

Respectfully submitted this 3rd day of August, 2026.

JASON D. HAWKINS
Federal Public Defender
Northern District of Texas

/s/ Maria Gabriela Vega

Maria Gabriela Vega
Assistant Federal Public Defender
Federal Public Defender's Office
525 S. Griffin Street, Suite 629
Dallas, Texas 75202
Telephone: (214) 767-2746
gabriela_vega@fd.org

Attorney for Petitioner Antonio Daleon White

United States Court of Appeals for the Fifth Circuit

No. 25-11063
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 5, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ANTONIO DALEON WHITE,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:25-CR-95-1

Before KING, HAYNES, and HO, *Circuit Judges*.

PER CURIAM:*

Antonio Daleon White appeals his guilty plea conviction for possessing a firearm after a felony conviction in violation of 18 U.S.C. § 922(g)(1). He argues that § 922(g)(1), properly interpreted, requires more than a firearm's past movement in commerce to show the requisite interstate nexus and therefore the factual basis for his plea was inadequate. Conversely,

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 25-11063

he asserts that if § 922(g)(1) is not so interpreted, Congress exceeded its authority under the Commerce Clause. Finally, White contends that § 922(g)(1) violates the Second Amendment. The Government has filed an unopposed motion for summary affirmance or, in the alternative, for an extension of time to file an appellate brief.

We have held that the interstate commerce element of § 922(g)(1) is satisfied where the firearm had previously traveled in interstate commerce. *See United States v. Rawls*, 85 F.3d 240, 242 (5th Cir. 1996). In addition, White's Commerce Clause challenge is foreclosed, *see United States v. Alcantar*, 733 F.3d 143, 145-46 (5th Cir. 2013), as is his Second Amendment challenge, *see United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 2822 (2025); *United States v. Schnur*, 132 F.4th 863, 870-71 (5th Cir. 2025).

Summary affirmance is therefore appropriate. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). Accordingly, the Government's motion for summary affirmance is GRANTED, the Government's alternative motion for an extension of time is DENIED as moot, and the judgment of the district court is AFFIRMED.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF TEXAS
Fort Worth Division

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.
ANTONIO DALEON WHITE

Case Number: 4:25-CR-00095-O(01)
U.S. Marshal's No.: 73769-511
Frank L Gatto, Assistant U.S. Attorney
Michael A Lehmann, Attorney for the Defendant

On May 21, 2025 the defendant, ANTONIO DALEON WHITE, entered a plea of guilty as to Count One of the Indictment filed on April 9, 2025. Accordingly, the defendant is adjudged guilty of such Count, which involves the following offense:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. §§ 922(g)(1) and 924(a)(8)	Firearm Possession by a Prohibited Person	01/31/2025	One

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to Title 18, United States Code § 3553(a), taking the guidelines issued by the United States Sentencing Commission pursuant to Title 28, United States Code § 994(a)(1), as advisory only.

The defendant shall pay immediately a special assessment of \$100.00 as to Count One of the Indictment filed on April 9, 2025.

Upon motion of the government, all remaining counts are dismissed, as to this defendant only.

The defendant shall notify the United States Attorney for this district within thirty 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.

Sentence imposed September 12, 2025.


REED O'CONNOR
CHIEF U.S. DISTRICT JUDGE

Signed September 12, 2025.

Judgment in a Criminal Case
 Defendant: ANTONIO DALEON WHITE
 Case Number: 4:25-CR-00095-O(1)

Page 2 of 4

IMPRISONMENT

The defendant, ANTONIO DALEON WHITE, is hereby committed to the custody of the Federal Bureau of Prisons (BOP) to be imprisoned for a term of **ONE HUNDRED TWENTY (120) MONTHS** as to Count One of the Indictment filed on April 9, 2025. This sentence shall run concurrently with any future sentences that may be imposed in Case Nos. 1858383, 1858382, 1858380, and 1848156, before the 372nd District Court, Tarrant County, Texas; and in Case No. 1848318, before the Tarrant County Criminal Court No. 5, as they are related to the instant offense. This sentence shall run consecutively to any future sentences that may be imposed in Case No. 1843794, before the 372nd District Court, Tarrant County; and in Case No. 1855176, before the Tarrant County Criminal Court No. 5, as they are unrelated to the instant offense.

The Court makes a non-binding recommendation to the BOP that Defendant, if appropriately classified, be allowed to serve his term of imprisonment at an FCI Facility within the Northern District of Texas.

The defendant is remanded to the custody of the United States Marshal.

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of **THREE (3) YEARS** as to Count One of the Indictment filed on April 9, 2025.

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

- (1) You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
- (2) After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
- (3) You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
- (4) You must answer truthfully the questions asked by your probation officer.
- (5) You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- (6) You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
- (7) You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must

Judgment in a Criminal Case
 Defendant: ANTONIO DALEON WHITE
 Case Number: 4:25-CR-00095-O(1)

Page 3 of 4

try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

- (8) You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- (9) If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
- (10) You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
- (11) You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- (12) If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
- (13) You must follow the instructions of the probation officer related to the conditions of supervision.

In addition the defendant shall:

not commit another federal, state, or local crime;

not illegally possess controlled substances;

cooperate in the collection of DNA as directed by the probation officer;

not possess a firearm, ammunition, destructive device, or any dangerous weapon;

refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court;

pay the assessment imposed in accordance with 18 U.S.C. § 3013;

participate in outpatient mental health treatment services as directed by the probation officer until successfully discharged, which services may include prescribed medications by a licensed physician, with the defendant contributing to the costs of services rendered (copayment) at a rate of at least \$25 per month;

participate in an outpatient program approved by the probation officer for treatment of alcohol or drug or alcohol dependency that will include testing for the detection of substance use, abstaining from the

Judgment in a Criminal Case
Defendant: ANTONIO DALEON WHITE
Case Number: 4:25-CR-00095-O(1)

Page 4 of 4

use of alcohol and all other intoxicants during and after completion of treatment, contributing to the costs of services rendered (copayment) at the rate of at least \$25 per month; and,

abstain from the use of alcohol and all other intoxicants during the term of supervision.

FINE/RESTITUTION

The Court does not order a fine or costs of incarceration because the defendant does not have the financial resources or future earning capacity to pay a fine or costs of incarceration.

Restitution is not ordered because there is no victim other than society at large.

FORFEITURE

Pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), it is hereby ordered that defendant's interest in the following property is condemned and forfeited to the United States: a Raven Arms, Model MP-25, .25-caliber pistol, with obliterated serial number; a Spike's Tactical, Model ST15, 5.56x45-millimeter rifle, bearing Serial No. NSL036795; and any associated ammunition or accessories recovered with the firearms.

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 Marshal