
NO. _____

IN THE

Supreme Court of the United States

_____ TERM, 20__

LAINDRELL MYQUAIL COOPER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether 18 U.S.C. § 922(g)(1) (which prohibits any felon from possessing firearms) is facially unconstitutional under the Second Amendment?

PARTIES TO THE PROCEEDINGS

Petitioner is Laindrell Cooper, defendant and appellant below.

Respondent is the United States of America, appellee below.

DIRECTLY RELATED PROCEEDINGS

This case arises from the following proceedings in the United States District Court for the Northern District of Iowa and the United States Court of Appeals for the Eighth Circuit:

United States v. Cooper, 6:23-cr-02034-001, (N.D. Iowa) (criminal proceedings) judgment entered May 12, 2025.

United States v. Cooper, 25-2152 (8th Cir.) (direct criminal appeal), judgment and opinion entered May 19, 2026.

There are no other proceedings in state or federal trial or appellate courts, or in this Court directly related to this case.

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PETITION FOR WRIT OF CERTIORARI

Petitioner Laindrell Cooper respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Eighth Circuit.

OPINIONS BELOW

The Eighth Circuit's published opinion in Mr. Cooper's case is available at 176 F.4th 582 and is reproduced in the appendix to this petition at Pet. App. p. 12.

JURISDICTION

The Eighth Circuit entered judgment in Mr. Cooper's case on May 19, 2026. Pet. App. p. 22. This Court has jurisdiction over this case under 28 U.S.C. § 1254(1).

RELEVANT STATUTORY AND CONSTITUTIONAL PROVISIONS

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.

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.

STATEMENT OF THE CASE

Mr. Cooper was indicted on one count of being a felon in possession of ammunition, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(8) and one count of being a prohibited person in possession of a firearm in violation of 18 U.S.C. §§ 922(g)(1), 922(g)(3), and 924(a)(8). R. Doc. 21.¹

A. Mr. Cooper files a motion to dismiss, arguing the prosecution violated his Second Amendment rights. The district court denies the motion.

Mr. Cooper filed a motion to dismiss based upon *New York State Rifle & Pistol Ass’n v. Bruen*, 142 S. Ct. 2111 (2022). R. Doc. 27. He asserted that the felon in possession statute, 18 U.S.C. § 922(g)(1), was facially unconstitutional. R. Doc. 27. Mr. Cooper acknowledged the argument was foreclosed by Eighth Circuit precedent. R. Doc. 27.

The district court denied Mr. Cooper’s motion. R. Doc. 29; Pet. App. p. 1. The court determined that Mr. Cooper’s § 922(g)(1) challenge was foreclosed by Eighth Circuit precedent. R. Doc. 29; Pet. App. p. 3.²

Ultimately, Mr. Cooper pleaded guilty to the possession of ammunition count, pursuant to a plea agreement. R. Doc. 36-1. The plea preserved his ability to bring his facial challenge on appeal, as well as any challenge to his sentence. R. Doc. 36-1.

¹ In this petition, the following abbreviation will be used:

“R. Doc.” -- district court clerk’s record, followed by docket entry and page number, where noted.

² The court initially held-in-abeyance Mr. Cooper’s as-applied challenge. R. Doc. 29; Pet. App. p. 4. However, Mr. Cooper did not preserve an as-applied challenge in his plea agreement. R. Doc. 36-1.

The case proceeded to sentencing. Ultimately, the district court sentenced Mr. Cooper to 160 months of imprisonment, to be followed by a three-year term of supervised release. R. Doc. 64; Pet. App. pp. 6-7.

B. Mr. Cooper appeals the denial of his motion to dismiss and the Eighth Circuit affirms.

Mr. Cooper appealed to the Eighth Circuit. He maintained his Second Amendment challenge. The panel rejected Mr. Cooper's facial challenge, as well as his sentencing challenge not raised in this petition. *United States v. Cooper*, 176 F.4th 582 (8th Cir. 2026). The panel determined that Mr. Cooper's facial challenge to his § 922(g)(1) conviction was foreclosed by the Circuit's prior decisions in *United States v. Cunningham*, 114 F.4th 671, 675 (8th Cir. 2024), and *United States v. Jackson*, 110 F.4th 1120, 1125 (8th Cir. 2024). *Id.* at 584; Pet. App. p. 14.

REASONS FOR GRANTING THE WRIT

I. 18 U.S.C. § 922(g)(1) is facially unconstitutional under the Second Amendment.

Bruen provided Courts with a new two-step analysis for firearm regulations. The first step is straightforward: “[W]hen the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct.” *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1, 17 (2022). The Court was also clear “that the Second and Fourteenth Amendments protect an individual’s right to carry a handgun for self-defense outside the home.” *Id.* at 32. *Bruen* expanded upon *Heller*, which held that the Second Amendment protected an individual’s right to possess a firearm in their home.

If the Second Amendment’s text covers the conduct, then courts should move on to step two, where the “government must then justify its regulation by demonstrating that it is consistent with the Nation’s historical tradition of firearm regulation.” *Id.* at 24. The government must provide a “representative historical analogue, not a historical twin.” *Id.* at 30.

Like all Americans, petitioner is among “the people” whose “right to keep and bear Arms” is vouchsafed by the Second Amendment. *District of Columbia v. Heller*, 554 U.S. 570, 581 (2008). Since § 922(g)(1) prohibits any possession of a gun or ammunition, the statute regulates conduct within the scope of the constitutional text. It is therefore incumbent on the government to demonstrate the requisite fit with historical tradition by identifying analogous founding-era regulations showing that

lifetime disarmament based on felon status is consistent with the principles underlying the Second Amendment. In judging contemporary statutes, courts must consider both “why and how the regulation burdens the right,” as even a law that “regulates arms-bearing for a permissible reason ... may not be compatible with the right if it does so to an extent beyond what was done at the founding.” *United States v. Rahimi*, 602 U.S. 680, 692 (2024). The ultimate question is whether § 922(g)(1) imposes “a comparable burden on the right of armed self-defense” that is “comparably justified.” *Bruen*, 597 U.S. at 29.

It does not. While it may be that people “considered dangerous lost their arms” in the decades surrounding ratification of the Second Amendment, “being a criminal had little to do with it.” *United States v. Jackson*, 85 F.4th 468, 472 (8th Cir. 2023) (Stras, J., dissenting from denial of rehearing en banc). Rather, in the founding era “most punishments were temporary,” and “once wrongdoers had paid their debts to society, the colonists forgave them and welcomed them back into the fold.” *Folajtar v. Attorney General*, 980 F.3d 897, 912, 923 (3d Cir. 2020) (Bibas, J., dissenting). So-called “felons” were then restored to full enjoyment of at least their natural rights, if not every privilege and immunity of citizenship. *See id.* at 924 (“Though [the plaintiff’s] tax-fraud conviction affects some of her privileges, it does not change her right to keep and bear arms.”). So “a felon could acquire arms after completing his sentence and reintegrating into society.” *Range v. Attorney General*, 124 F.4th 218, 231 (3d Cir. 2024) (en banc).

In the years since *Heller* and *Bruen*, the government has yet to put forward a single founding-era law barring citizens from keeping and bearing arms based on felony status. It was only in 1938 that Congress prohibited even persons convicted of certain exceptionally serious crimes, such as murder and rape, from receiving a firearm in interstate commerce. *See* Pub. L. No. 75-785, § 1(6), 52 Stat. 1250, 1250-51 (June 30, 1938); Adam Winkler, *Heller’s Catch-22*, 56 UCLA L. Rev., *supra*, at 1551, 1563. And not until the latter half of the 20th century did Congress disarm Americans based on felon status alone. *See Range*, 124 F.4th at 229. To be sure, the nation’s tradition of firearm regulation does permit temporary disarmament based on a judicial finding that a person poses a clear and present danger of violence to another. *See Rahimi*, 602 U.S. at 702. But conviction of a felony entails no finding of an active threat—only of the elements of an offense. And while the Second Amendment may or may not contemplate disarmament of “categories of persons thought by a legislature to present a special danger of misuse,” *id.* at 698, felon status is too broad and variable a proxy—being contingent on the legislative prerogative to define crimes—to pass constitutional muster. *See Bruen*, 597 U.S. at 26 (courts may not “defer to the determinations of legislatures” with respect to Second Amendment’s guarantee). Even as to violent crimes, § 922(g)(1) codifies an inference of incorrigible ‘propensity’ that our legal tradition elsewhere abhors. *E.g.*, Fed. R. Evid. 404(a); *see Michelson v. United States*, 335 U.S. 469, 475 (1948) (“Courts that follow the common-law tradition almost unanimously have come to disallow resort by the prosecution to

any kind of evidence of a defendant's evil character to establish a probability of his guilt.”).

Turning to the “how” dimension of analysis, § 922(g)(1)'s lifetime bar burdens the right to an extent beyond any regulation of the founding era. To date, the government's own search for laws permanently disarming a citizen has yielded only draft penal codes from the 1820s that “ultimately were not adopted.” Brief in Opposition at 8, *Jackson v. United States*, No. 24-6517.

Consistent with this lack of authority, *Rahimi* stressed that the disarmament provision there at issue was “temporary,” lasting only “so long as the defendant ‘is’ subject to a restraining order,” and thus burdening the right in a manner analogous to historical “surety bonds of limited duration.” 602 U.S. at 699. The Court also cautioned that it “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.” *Id.* at 702 (emphasis added).

For these reasons, a proper application of *Bruen*'s analytic framework leads straightforwardly to the conclusion that § 922(g)(1) unlawfully abridges the Second Amendment right to keep and bear arms. Certiorari should be granted to vindicate this fundamental guarantee “essential to the preservation of liberty.” *McDonald v. City of Chi.*, 561 U.S. 742, 858 (2010) (Thomas, J., concurring in part and concurring in judgment).

CONCLUSION

For the reasons stated herein, Mr. Cooper respectfully requests that the Petition for Writ of Certiorari be granted.

RESPECTFULLY SUBMITTED,

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