

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

JARAE DEMARCUS MORGAN,

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

APPENDIX

/s/ Christy Posnett Martin

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Appendix A Opinion of Fifth Circuit, United States v. Morgan, No. 25-11169,
2026 WL 1388716 (5th Cir. May 18, 2025)(unpublished).

Appendix B Judgment and Sentence of the United States District Court for the
Northern District of Texas, United States v. Morgan,
No. 4:25-cr-00104 (Oct. 14, 2025).

APPENDIX A

United States Court of Appeals for the Fifth Circuit

No. 25-11169
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 18, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JARAE DEMARCUS MORGAN,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:25-CR-104-1

Before DAVIS, JONES, and HO, *Circuit Judges*.

PER CURIAM:*

Jarae Demarcus Morgan pleaded guilty to possession of a firearm after a felony conviction in violation of 18 U.S.C. § 922(g)(1). He argues that the statute of conviction violates the Second Amendment, both on its face and as applied to him, in light of the decision in *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022). Also, he contends that, under the prevailing

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

No. 25-11169

interpretation of the “in or affecting commerce” element of § 922(g)(1), the statute is unconstitutional because it exceeds the authority of Congress under the Commerce Clause. Morgan concedes that his challenges are foreclosed and presents them to preserve them for further review. The Government has filed an unopposed motion for summary affirmance or, alternatively, for an extension of time to file a brief.

The parties are correct that Morgan’s challenges to § 922(g)(1) based on the Second Amendment are foreclosed. We rejected a facial challenge to § 922(g)(1) in *United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 2822 (2025). Regarding Morgan’s as-applied challenge, Morgan has a prior felony conviction for burglary of a habitation. We have previously held that burglary is a viable § 922(g)(1) predicate. *See United States v. Schnur*, 132 F.4th 863, 870-71 (5th Cir. 2025); *United States v. Alaniz*, 146 F.4th 1240, 1241 (5th Cir. 2025) (“Founding-era burglary laws support the constitutionality of disarming felony burglary convicts under § 922(g)(1).”).

Morgan’s challenges based on the Commerce Clause likewise are foreclosed. *See United States v. Jones*, 88 F.4th 571, 573 (5th Cir. 2023); *United States v. Alcantar*, 733 F.3d 143, 145-46 (5th Cir. 2013). Thus, summary affirmance is appropriate. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).

The Government’s motion for summary affirmance is GRANTED, the alternative motion for an extension of time is DENIED, and the district court’s judgment is AFFIRMED.

APPENDIX B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
Fort Worth Division

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.

Case Number: 4:25-CR-104-Y(1)

Frank L. Gatto, assistant U.S. attorney

JARAE DEMARCUS MORGAN

Joshua S. Rhodes, attorney for the defendant

On June 11, 2025, the defendant, Jarae Demarcus Morgan, entered a plea of guilty to count one of the one-count indictment. 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 CONCLUDED</u>	<u>COUNT</u>
18 U.S.C. §§ 922(g)(1) and 924(a)(8)	Firearm Possession by a Prohibited Person	May 20, 2022	1

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

The defendant shall pay immediately a special assessment of \$100.00 for count one of the one-count indictment.

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 October 14, 2025.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE

Signed October 14, 2025.

IMPRISONMENT

The defendant, Jarae Demarcus Morgan, is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a term of 27 months on count one of the one-count indictment. This sentence shall run concurrently with any future sentence that may be imposed in case nos. 1731843, 1857257, and 1734753 in Criminal Court No. 6, Tarrant County, Texas, and case nos. 1731846 and 1768744 in Criminal District Court No. 1, Tarrant County, Texas.

The Court recommends that the defendant be incarcerated at a facility within the Northern District of Texas, if possible.

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 3 years on count one of the one-count indictment.

The defendant, while on supervised release, shall comply with the standard conditions recommended by the U. S. Sentencing Commission at §5D1.3(c) of the United States Sentencing Commission Guidelines Manual, and shall:

not commit another federal, state, or local crime;

not possess illegal controlled substances;

not possess a firearm, destructive device, or other dangerous weapon;

cooperate in the collection of DNA as directed by the probation officer, as authorized by the Justice for All Act of 2004;

report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Federal Bureau of Prisons;

refrain from any unlawful use of a controlled substance. The defendant 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; and

provide to the probation officer complete access to all business and personal financial information.

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

Under 18 U.S.C. § 924(d), 21 U.S.C. 853(a), and 28 U.S.C. § 2461(c), defendant's interest in the following property is condemned and forfeited to the United States: a Taurus, model G2C, 9-millimeter caliber pistol, bearing serial no. TMD58916; and any ammunition and any associated firearm accessories.

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