

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

DAVID JUND,
Petitioner,

v.

UNITED STATES,
Respondent.

**ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether 18 U.S.C. § 922(g)(1), which permanently bars firearm and ammunition possession by anyone convicted of a crime punishable by more than one year of imprisonment, is subject to as-applied challenges under the Second Amendment, and whether it may constitutionally be applied to a person whose predicate convictions involved no violence and no threat of violence.

PARTIES TO THE PROCEEDING

The parties to the proceedings below were the defendant and petitioner, David Jund, and respondent, the United States of America.

RELATED PROCEEDINGS

United States v. David Jund, No. 2:24-cr-00481-SVW (C.D. Cal., Sept. 15, 2025).

United States v. David Jund, No. 25-5917 (9th Cir., May 29, 2026).

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PETITION FOR WRIT OF CERTIORARI

David Jund respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit in this case.

OPINIONS BELOW

The order of the Ninth Circuit granting the government's motion for summary affirmance is unpublished, and is included as Appendix A.

The reporter's transcript of the district court's denial of Jund's motion to dismiss, which argued that the charge as applied to him violated the Second Amendment, is attached as Appendix B.

JURISDICTION

The Ninth Circuit entered its order on May 29, 2026. This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1) and is timely as the instant petition is filed within 90 days of the Ninth Circuit's order granting the government's motion for summary affirmance.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Second Amendment provides that “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.”

Title 18 U.S.C. § 922(g)(1) makes it unlawful for any person “who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year” to “possess in or affecting commerce, any firearm or ammunition.”

STATEMENT OF THE CASE

On October 29, 2023, petitioner David Jund possessed rounds of 25 different types of ammunition that had been manufactured outside of California and had been transported into California. (ER-48-49.) Jund additionally possessed three ghost guns and knew the guns were ghost guns that were not marked with a manufacturer’s mark or serial number. (ER-49.) At the time of the possession of the firearms and ammunition, Jund had already suffered four convictions in California for being a felon in possession of a firearm as well as additional felony convictions in California for receiving stolen property, possession

of certain dangerous weapons, unlawful possession of ammunition, and commercial burglary. (ER-49-50.)

An indictment charged Jund with being a felon in possession of the ammunition under 18 U.S.C. § 922(g)(1). (ER-95-96.)

Jund moved to dismiss the indictment pursuant to Federal Rule of Criminal Procedure 12(b)(3)(A) on grounds that the charge violated the Second Amendment to the United States Constitution. (ER-84-94.) The government opposed the motion. (ER-54-83.) The government subsequently informed the district court of the Ninth Circuit's en banc decision in *United States v. Duarte*, 137 F.4th 743 (9th Cir. 2025), *cert. denied*, __ U.S. __ [223 L.Ed.2d 556] (Jan. 20, 2026). (ER-41-43.) In light of *Duarte*, the district court denied the motion. (ER-27.)

On May 12, 2025, Jund entered an open plea to the indictment. (ER-23, 28-38.) On September 15, 2025, Jund received a sentence of 63 months. (ER-3.) On September 19, 2025, Jund filed a timely notice of appeal. (ER-101.)

On May 29, 2026, the Ninth Circuit granted the government's motion for summary affirmance.

This petition now follows.

REASONS FOR GRANTING THE PETITION

I. The Courts of Appeals Are Openly Divided on Whether § 922(g)(1) Is Subject to As-Applied Challenges

As even the Ninth Circuit acknowledged, the Courts of Appeal are split on whether section 922(g)(1) is subject to as-applied challenges. *See Duarte*, 137 F.4th at 747-749.

On one side, several circuits treat § 922(g)(1) as categorically valid, so that a defendant's individual circumstances and the nature of his predicate offense are legally irrelevant. That is the position of the Ninth Circuit in *Duarte*, 137 F.4th at 752, of the Fourth Circuit in *United States v. Hunt*, 123 F.4th 697, 703-04 (4th Cir. 2024), of the Eighth Circuit in *United States v. Jackson*, 110 F.4th 1120, 1125 (8th Cir. 2024), of the Tenth Circuit in *Vincent v. Bondi*, 127 F.4th 1263, 1265-66 (10th Cir. 2025), and of the Eleventh Circuit in *United States v. Dubois*, 139 F.4th 887, 890 (11th Cir. 2025), *cert. granted, judgment vacated*, No. 24-5744, 145 S. Ct. 1041, 220 L. Ed. 2d 375, 2025 WL 76413 (U.S. Jan. 13, 2025) . *See Duarte*, 137 F.4th at 747-748.

On the other side, the Third Circuit sitting en banc held § 922(g)(1) unconstitutional as applied to a man whose predicate conviction was a false statement to obtain food stamps. *Range v. Attorney General*, 124 F.4th 218, 222-23, 232 (3d Cir. 2024). The Fifth Circuit likewise evaluates as-applied challenges individually and has sustained some of them. *United States v. Diaz*, 116 F.4th 458, 467-71 (5th Cir. 2024). The Sixth Circuit conducts a defendant-specific dangerousness inquiry. *United States v. Williams*, 113 F.4th 637, 661-62 (6th Cir. 2024). The Seventh Circuit has directed district courts to undertake a full historical analysis rather than resolve such claims categorically, and it has expressly left the as-applied question open. *Atkinson v. Garland*, 70 F.4th 1018, 1023-25 (7th Cir. 2023).

The consequence is that identical conduct by identically situated people produces opposite results depending on the circuit. A person with a decades-old nonviolent conviction may possess a firearm lawfully in Pennsylvania and commit a federal felony in California. Section 922(g)(1) is among the most frequently prosecuted federal criminal statutes, so the split is not academic. It is an issue that recurs constantly, and guidance from this Court is required to address the split.

II. *Hemani* Undermines the Ninth Circuit’s Reasoning

Three weeks after the Ninth Circuit granted the government’s motion for summary affirmance in this case, this Court decided *United States v. Hemani*, __ U.S. __, 146 S. Ct. 1677 (2026), which held that the government could not constitutionally prosecute the defendant under 18 U.S.C. § 922(g)(3) on an automatic basis, without individualized proof of dangerousness, where the historical analogues the government offered served different purposes and carried procedural protections that the modern statute lacked. *Id.* at 1687-1693. The Court was explicit that its holding was narrow and that it was not deciding the constitutionality of § 922(g)(1). *Id.* at 1693-1694.

Because *Hemani* was decided after the Ninth Circuit’s decision in the instant case, the Ninth Circuit was unable to consider *Hemani* in its analysis of this case or in *Duarte*, which was decided more than a year earlier.

Hemani decided an as-applied Second Amendment challenge to a subsection of § 922(g) on the merits. *Duarte* leaves no room for that kind of inquiry. *Duarte* worked through

the *Bruen* framework, but it did so at the level of the statute rather than the defendant, relying on this Court’s statement that felon prohibitions are “presumptively lawful,” *District of Columbia v. Heller*, 554 U.S. 570, 626-27 & n.26 (2008), and on its own reading of the historical record. *Duarte*, 137 F.4th at 752. Under *Duarte*, nothing about the offense, the sentence, or the years since can matter, because the analysis never reaches the individual defendant.

This Court quoted that phrase “presumptively lawful” again in *United States v. Rahimi*, 602 U.S. 680, 699 (2024). In *Rahimi*, this Court upheld a disarmament statute that had real limits, since the statute applied only after a court found that a particular person had threatened someone else and it lasted only as long as the restraining order. *Rahimi*, 602 U.S. at 685, 698-700. By contrast, section 922(g)(1) has no such limits. It disarms a person for life based on nothing but the sentence attached to an old conviction. It does not ask whether the offense involved violence, whether it involved a weapon, or whether the person is dangerous now. Whether that difference matters is the question the circuits have answered in opposite ways.

The Ninth Circuit treated that “presumptively lawful” phrase as something no defendant can ever overcome in *Duarte*, yet a presumption, by definition, is something a defendant can try to overcome in his own case. That is the disagreement, and this Court has not yet resolved it.

At a minimum, the Ninth Circuit should have the first opportunity to apply *Hemani* to petitioner’s claim. Because the summary affirmance order predates that decision, this case is suitable for an order granting the petition, vacating the judgment, and remanding for reconsideration in light of *Hemani*.

III. This Case Cleanly Presents the Question

The issue was preserved by a pretrial motion to dismiss, ruled on by the district court, and raised on appeal as the sole claim. Petitioner entered an open plea, so no plea agreement or appeal waiver stands in the way. Petitioner is in custody serving a 63-month sentence. Petitioner’s predicates are possession offenses and property offenses. None involved violence, and none involved the use or threatened use of a weapon against a person. The question was decided below on a purely legal basis with no

factual disputes, and the Ninth Circuit decided it without argument or reasoning of its own, since it simply treated *Duarte* as controlling. Accordingly, this case cleanly presents the question.

CONCLUSION

For the foregoing reasons, it is respectfully requested that the petition for a writ of certiorari be granted. Alternatively, it is respectfully requested that this Court issue an order granting the petition, vacating the judgment, and remanding for reconsideration in light of *Hemani*.

Respectfully submitted,

Dated: August 18, 2026

/S/ BRAD K. KAISERMAN
BRAD K. KAISERMAN
Attorney for Petitioner
DAVID JUND

APPENDIX

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAY 29 2026

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVID JUND,

Defendant - Appellant.

No. 25-5917

D.C. No.

2:24-cr-00481-SVW-1

Central District of California,
Los Angeles

ORDER

Before: S.R. THOMAS, MILLER, and H.A. THOMAS, Circuit Judges.

The motion (Docket Entry No. 18) for summary affirmance is granted. *See*

United States v. Hooton, 693 F.2d 857, 858 (9th Cir. 1982) (stating standard).

Appellant's Second Amendment challenge to his conviction is foreclosed. *See*

United States v. Duarte, 137 F.4th 743, 761 (9th Cir. 2025) (en banc), *cert. denied*,

___ S. Ct. ___, 2026 WL 135692 (U.S. Jan. 20, 2026).

AFFIRMED.

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

- - -

HONORABLE STEPHEN V. WILSON
UNITED STATES DISTRICT JUDGE PRESIDING

- - -

UNITED STATES OF AMERICA,	)	
	)	
PLAINTIFF,	)	
	)	
VS.	)	CASE NO.:
	)	CR 24-481-SVW
DAVID JUND,	)	
	)	
DEFENDANT.	)	
	)	
	)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, MAY 12, 2025

LOS ANGELES, CALIFORNIA

LAURA MILLER ELIAS, CSR 10019
FEDERAL OFFICIAL COURT REPORTER
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CHANGE OF PLEA

4

1 LOS ANGELES, CALIFORNIA; MONDAY, MAY 12, 2025; 11:41 A.M.

2 - - -

3 THE CLERK: Calling Item No. 3.

4 Case No. CR 24-481-SVW.

11:41AM 5 United States of America versus David Jund.

6 Counsel, please state your appearances.

7 MR. TAKO: Good morning, Your Honor.

8 Matt Tako on behalf of the United States.

9 MR. ROBINSON: Your Honor, good morning.

11:42AM 10 Edward Robinson for Mr. Jund who is present in
11 court and he's in custody.

12 THE COURT: The motion was based upon the, uh, I
13 call it the Bruton grounds. And the 9th Circuit just a few
14 days ago, uh, came down with its long awaited en banc opinion
11:43AM 15 and affirmed the district court. So the motion to dismiss is
16 denied.

17 MR. ROBINSON: Thank you, Your Honor.

18 THE COURT: On the basis of an en banc opinion.

19 How do we proceed now?

11:43AM 20 MR. ROBINSON: Your Honor, thank you. In light of
21 that, Mr. Jund is prepared to enter into a guilty plea to the
22 one count indictment and we filed a Rule 11 statement.

23 THE COURT: 11(c)?

24 MR. ROBINSON: Yes.

25 THE COURT: Not a binding plea agreement.

1 MR. ROBINSON: Not a binding plea agreement.

2 THE COURT: I see. Let's proceed.

3 MR. TAKO: If the Court would permit, do I have
4 permission to approach the court reporter? I have an extra
11:43AM 5 copy of the stipulated factual basis which may assist the
6 court reporter.

7 THE COURT: Yes.

8 MR. TAKO: Thank you.

9 THE CLERK: The defendant will please state his
11:44AM 10 name.

11 THE DEFENDANT: David Aaron Jund.

12 THE CLERK: Is that your true and correct name?

13 THE DEFENDANT: Yes.

14 THE CLERK: Is it now your intention to withdraw
11:44AM 15 your not guilty plea so that you can enter a plea of guilty
16 to Count 1 of the indictment?

17 THE DEFENDANT: Yes.

18 THE CLERK: How do you now plead to Count 1 of the
19 indictment, guilty or not guilty?

11:44AM 20 THE DEFENDANT: Guilty.

21 THE CLERK: The Court is going to ask you some
22 questions while under oath. Please raise your right hand.

23 (Defendant sworn.)

24 THE COURT: I'm going to ask you some questions
11:44AM 25 which are designed to assure me that your guilty plea is

1 freely and voluntarily made and that there is a factual basis
2 for the guilty plea. Have you had enough time to discuss
3 your case and all possible defenses with your lawyer,
4 Mr. Robinson?

11:45AM 5 THE DEFENDANT: Yes.

6 THE COURT: Are you satisfied with his
7 representation?

8 THE DEFENDANT: Yes.

9 THE COURT: Has anyone made any threats or promises
11:45AM 10 to induce you to plead guilty?

11 THE DEFENDANT: No.

12 THE COURT: Other than the plea agreement?

13 MR. ROBINSON: There is no plea agreement.

14 THE COURT: Well, I mean, I guess it's just the
11:45AM 15 joint statement. Well, forgetting the plea agreement, is
16 your decision to plead guilty knowing and voluntary?

17 THE DEFENDANT: Yes.

18 THE COURT: Have you taken any drugs or medications
19 in the last 24 hours?

11:45AM 20 THE DEFENDANT: Take medication every day, but not
21 for --

22 THE COURT: What type of medication do you take?

23 THE DEFENDANT: High blood pressure.

24 THE COURT: Is that something you have been taking
11:46AM 25 for some time?

1 THE DEFENDANT: Yeah, I've had seven heart attacks
2 and three strokes.

3 THE COURT: And does that medication affect your
4 ability to think clearly?

11:46AM 5 THE DEFENDANT: No.

6 THE COURT: Are you thinking clearly this morning?

7 THE DEFENDANT: Yeah.

8 THE COURT: Then I'm going to ask the Assistant
9 United States Attorney to review certain highlights of
10 Rule 11. I mean, I shouldn't say highlights, the
11 requirements of Rule 11 in this order.

12 First, the maximum penalty.

13 Second, the elements of the offense.

14 Third, the constitutional rights that are waived by
11:46AM 15 pleading guilty.

16 Fourth, a summary of the essence of the plea
17 agreement without reference to code sections unless
18 necessary.

19 And finally, the factual basis of the plea and I'll
11:47AM 20 review any other matters that need be addressed.

21 Proceed in that chronology.

22 MR. TAKO: Thank you, Your Honor.

23 The statutory maximum sentence that the Court can
24 impose for the sole count of the indictment which would be a
11:47AM 25 violation of 18 U.S.C. Section 922(g) is 15 years

1 imprisonment, a three-year period of supervised release, a
2 fine of \$250,000 or twice the gross gain or gross loss
3 resulting from the offense, whichever is greatest and a
4 mandatory special assessment of \$100.

11:47AM 5 And the Court will also order forfeiture of the
6 property listed in the sole count of the indictment pursuant
7 to 18 U.S.C. 924(d)(1) or substitute assets up to the value
8 of that property.

9 For defendant to be guilty of the crime charged in
11:48AM 10 the indictment, that is felon in possession of ammunition in
11 violation of 18 U.S.C. 922(g)(1), the following must be true:

12 (1) Defendant knowingly possessed ammunition.

13 (2) The ammunition had been shipped or transported
14 from one state to another or between a foreign nation and the
11:48AM 15 United States.

16 (3) At the time defendant possessed the ammunition,
17 defendant had been convicted of a crime punishable by
18 imprisonment for a term exceeding one year; and

19 (4) At the time defendant possessed the ammunition,
11:48AM 20 defendant knew he had been convicted of a crime punishable by
21 imprisonment for a term exceeding one year.

22 By pleading guilty the defendant is giving up the
23 following constitution rights.

24 The right to persist in a plea of not guilty.

11:49AM 25 The right to a speedy and public trial by jury.

1 The right to be represented by counsel and if necessary, have
2 the Court appoint counsel at trial. Defendant retains the
3 right to be represented by counsel and if necessary, have the
4 Court appoint counsel at every other stage of the proceeding.

11:49AM 5 The right to be presumed innocent and to have the
6 burden of proof placed on the government to prove the
7 defendant guilty beyond a reasonable doubt.

8 The right to confront and cross-examine witnesses
9 against the defendant.

11:49AM 10 The right to testify and to present evidence in
11 opposition to the charges, including the right to compel the
12 attendance of witnesses to testify.

13 The right not to be compelled to testify, and, if
14 defendant chose not to testify or present evidence to have
11:49AM 15 that choice not be used against the defendant.

16 And any and all rights to pursue any affirmative
17 defenses, Fourth Amendment or Fifth Amendment claims or other
18 pretrial motions that have been filed or could be filed.

19 The government will note that this was filed as a
11:50AM 20 stipulated factual basis and joint Rule 11 statement at
21 Docket No. 31. Footnote 1 at the end of that was agreed to
22 by the parties just recognizing case law that may carve out
23 certain types of appeals. And defense counsel and I have
24 spoken and is able to potentially articulate some arguments
11:50AM 25 should an appeal be made.

1 In terms of a summary of the plea agreement,
2 defendant is pleading open to the charges so there is no plea
3 agreement here. It's a one count indictment pleading guilty,
4 um, and there's no sentencing agreements or agreement to
11:50AM 5 factors or any of those things at this point.

6 And as for the factual basis in Paragraph 8 of
7 Docket No. 31, if this case were to proceed to trial, the
8 government would be prepared to prove the following beyond a
9 reasonable doubt:

11:50AM 10 On or about October 29, 2023, in Los Angeles County
11 within the Central District of California, defendant
12 knowingly possessed the following ammunition:

13 35 rounds of Federal .223 caliber ammunition;

14 15 rounds of Winchester .223 caliber ammunition;

11:51AM 15 81 rounds of Federal 9mm caliber ammunition;

16 80 rounds of Sig Sauer 9mm caliber ammunition;

17 164 rounds of Hornady 9mm caliber ammunition;

18 61 rounds of Winchester 9mm caliber ammunition;

19 27 rounds of Remington 9mm caliber ammunition;

11:51AM 20 16 round of Speer 9mm caliber ammunition;

21 22 rounds of Blazer 9mm caliber ammunition;

22 15 rounds of Hotshot 9mm caliber ammunition;

23 1 round of Fiocchi 9mm caliber ammunition;

24 2 rounds of PPU 9mm caliber ammunition;

11:51AM 25 1 round of Perfecta 9mm caliber ammunition;

1 1 round of Tulamo 9mm caliber ammunition;

2 8 rounds of CBC 9mm caliber ammunition;

3 5 rounds of Sellier & Bellot 9mm caliber

4 ammunition;

11:52AM 5 2 rounds of CCI 9mm caliber ammunition;

6 3 rounds of Herter 9mm caliber ammunition;

7 7 rounds of Federal 12 gauge ammunition;

8 3 rounds of Winchester 12 gauge ammunition;

9 3 rounds of Remington 12 gauge caliber ammunition;

11:52AM 10 50 rounds of Federal .40 caliber ammunition;

11 27 rounds of Federal .30-.06 caliber ammunition;

12 21 rounds of Winchester .30-.06 caliber ammunition;

13 287 rounds of Lake City 5.56 caliber ammunition.

14 All the ammunition had been manufactured outside

11:52AM 15 the State of California and prior to October 29, 2023 had

16 been shipped or transported in foreign or interstate commerce

17 to California.

18 In addition, on or about October 29, 2023,

19 defendant was also in possession of three firearms: A 9mm

11:52AM 20 semi-automatic black/tan pistol, a semi-automatic handgun

21 pistol, and a semi-automatic AR-15 style pistol. Defendant

22 knew that all three firearms were ghost guns and were not

23 marked with a manufacturer's mark or seal (sic) number.

24 And at the time of defendant's knowing possession

11:53AM 25 of the ammunition on October 29, 2023, defendant also knew

1 that he had previously been convicted of the following
2 felonies each punishable by a term of imprisonment exceeding
3 one year:

4 Receiving stolen property in violation of
11:53AM 5 California Penal Code Section 496(a), in the Superior Court
6 for the State of California, County of Los Angeles, Case
7 Number MA007356, on or about May 16th of 1994;

8 Felon in possession of a firearm, in violation of
9 Penal Code Section 12021(a)(1), in the Superior Court for the
11:53AM 10 State of California, County of Los Angeles, Case Number
11 MA023832, on or about May 24th of 2002;

12 Possession of certain dangerous weapons, in
13 violation of California Penal Code Section 12020(a)(2), in
14 the Superior Court for the State of California, County of
11:54AM 15 Los Angeles, Case Number MA02832 on or about May 24th of
16 2002;

17 Unlawful possession of ammunition, in violation of
18 California Penal Code Section 12136(B)(A), in the Superior
19 Court for the State of California, County of Los Angeles,
11:54AM 20 Case Number MA031551, on or about April 28, 2005;

21 Felon in possession of a firearm, in violation of
22 California Penal Code Section 12021(a)(1), in the Superior
23 Court for the State of California, County of Los Angeles,
24 Case Number GA069645, on or about June 7th of 2007;

11:54AM 25 Felon in possession of a firearm, in violation of

1 Penal Code Section 12021(a)(1), in the Superior Court of
2 California, County of Los Angeles, Case Number GA076175, on
3 or about March 23rd, 2009;

4 Second degree commercial burglary, in violation of
11:55AM 5 California Penal Code Section 459, in the Superior Court for
6 the State of California, County of Los Angeles, Case Number
7 GA081220, on or about June 2nd of 2011;

8 Felon in possession of a firearm, in violation of
9 California Penal Code Section 12021(a)(1), in the Superior
11:55AM 10 Court for the State of California, County of Los Angeles,
11 Case Number MA051838, on or about June 3rd, 2011.

12 Second degree commercial burglary, in violation of
13 California Penal Code Section 459, in the Superior Court for
14 the State of California, County of Los Angeles, Case Number
11:55AM 15 GA094295 on or about August 20th of 2014.

16 THE COURT: Is what the prosecutor just read true
17 and correct?

18 THE DEFENDANT: I don't know about the 459, what's
19 that?

11:55AM 20 THE COURT: What was that now?

21 THE DEFENDANT: The commercial burglary?

22 MR. ROBINSON: It is.

23 THE DEFENDANT: Okay, yeah.

24 THE COURT: What he said is correct?

11:56AM 25 THE DEFENDANT: Yes.

1 THE COURT: By pleading guilty, you're giving up
2 certain government benefits and civic rights such as the
3 right to vote, possess a firearm, hold office, serve on a
4 jury. It will be a federal crime for you to possess a
11:56AM 5 firearm or ammunition. This conviction may subject you to
6 collateral consequences in other cases including, but not
7 limited to, revocation of probation, parole or supervised
8 release or a suspension or revocation of a professional
9 license.

11:56AM 10 The sentence may also include a period of
11 supervised release following imprisonment which will be
12 subject to various restrictions and requirements. If those
13 conditions are violated, you may be subject to a further
14 sentence which may result in a total sentence greater than
11:57AM 15 the original sentence.

16 The matter of sentencing is solely for the Court.
17 I will consider the guidelines, the arguments of counsel, and
18 all the relevant sentencing factors. I think that covers
19 Rule 11, doesn't it?

11:57AM 20 MR. ROBINSON: It does, Your Honor.

21 THE COURT: Anything else to add?

22 MR. TAKO: Nothing for the government.

23 MR. ROBINSON: I was just going to indicate that
24 Mr. Jund is a United States citizen.

11:57AM 25 THE COURT: I see.

1 MR. ROBINSON: I do have one request for the Court
2 if it accepts the plea.

3 THE COURT: After listening to defendant, I find
4 his plea to be knowing and voluntary and there to be a
11:57AM 5 factual basis for the plea so it's accepted. He's referred
6 to the Probation Department for preparation of a presentence
7 report with sentencing to occur on.

8 THE CLERK: July 21st at 11:00 or later.

9 MR. ROBINSON: That's fine for us.

11:58AM 10 MR. TAKO: Yes, that works for the government.
11 Thank you.

12 THE COURT: Anything else?

13 MR. ROBINSON: Yes, please, Your Honor.

14 Mr. Jund has been at Santa Ana City Jail. He's had
11:58AM 15 a number of very serious medical issues and he's had a hard
16 time getting evaluated and examined. Could the Court order
17 that upon his return to Santa Ana City Jail, he get an
18 immediate medical examination? He's been having heart issues
19 that are fairly significant.

11:58AM 20 THE COURT: I don't know what administrative
21 procedures are in place. I mean, Santa Ana is that a federal
22 holding?

23 MR. ROBINSON: It's a local facility that's
24 contracted with the federal government. Mr. Jund has made a
11:58AM 25 number of requests and filed a number of grievances. He

1 tells me they have not been honored. He tells me he has a
2 cracked pace maker. I tend to believe that that's the case.
3 He just needs to be seen by a doctor.

4 THE COURT: Well, provide me with an order and I'll
11:59AM 5 consider it.

6 MR. ROBINSON: We'll do that, Your Honor.

7 THE COURT: Thank you.

8 MR. TAKO: Nothing further from the government,
9 Your Honor.

10 (Proceedings were concluded at 11:59 a.m.)

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CERTIFICATE OF REPORTER

COUNTY OF LOS ANGELES)
) SS.
STATE OF CALIFORNIA)

I, LAURA ELIAS, OFFICIAL REPORTER, IN AND FOR THE UNITED
STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA,
DO HEREBY CERTIFY THAT I REPORTED, STENOGRAPHICALLY, THE
FOREGOING PROCEEDINGS AT THE TIME AND PLACE HEREINBEFORE SET
FORTH; THAT THE SAME WAS THEREAFTER REDUCED TO TYPEWRITTEN
FORM BY MEANS OF COMPUTER-AIDED TRANSCRIPTION; AND I DO
FURTHER CERTIFY THAT THIS IS A TRUE AND CORRECT TRANSCRIPTION
OF MY STENOGRAPHIC NOTES.

DATE: JANUARY 4, 2026

/s/ LAURA MILLER ELIAS

LAURA MILLER ELIAS, CSR 10019, CRG
FEDERAL OFFICIAL COURT REPORTER

Case Details

General

Create a New Filing (/casedetails/newfiling/?refentity=pcx_case&refid=fb768965-e1bf-4d2e-b7a1-9148513f02e3&refrel=pcx_case_pcx_casemotion_case)

Case Number	Case Name	Received Date	Fee Status
25-5917	United States of America v	9/19/2025	IFP

Case Participants

Parties

Case Participant Name ↑	Participant Role ↑	A Number	Is Lead
David Jund	Appellant		Yes
United States of America	Appellee		Yes

Attorneys

Case Participant Name ↑	Participant Role ↑
Brad Kannof Kaiserman	Counsel for Appellant
Criminal Appeals USAO C.D.C.A.	Counsel for Appellee
Matthew Tako	Counsel for Appellee

Docket Entries

View documents on PACER (PACER Docket) (<https://ca9-showdoc.azurewebsites.us/25-5917>)

Date Filed ↑	Entry # ↑	Docket Text
9/19/2025	1	CASE OPENED. A copy of your notice of appeal / petition filed in 2:24-cr-00481-SVW-1 has been received in Clerk's office of the United States Court of Appeals for the Ninth Circuit. The U.S. Court of Appeals docket number 25-5917 has been assigned to this case. All communications with court must indicate this Court of Appeals docket number. Please carefully review the docket to ensure the name and contact information are correct. It is your responsibility to alert the court if your contact information changes. Resources Available For more information about case processing and to assist you in preparing your brief, please review the Case Opening Information (for attorneys (https://cdn.ca9.uscourts.gov/datastore/acms/Attorney-Appeal-Case-Opening-Information))

Dec-2019.pdf) and pro se litigants (<https://cdn.ca9.uscourts.gov/datastore/acms/Pro-Se-Appeals-Case-Opening.pdf>) and review the Appellate Practice Guide (<https://cdn.ca9.uscourts.gov/datastore/uploads/guides/AppellatePracticeGuide.pdf>). Attorneys should consider contacting the court's Appellate Mentoring Program (https://cdn.ca9.uscourts.gov/datastore/general/2013/03/22/ninth_circuit_applt_lawyer_rep_mentoring_project) for help with the brief and argument. [Entered: 09/19/2025 02:15 PM]

9/19/2025	2	SCHEDULE NOTICE. Sentence Imposed: 63 Months. Appeal Transcript Order Due (Appellant) 10/3/2025, Appeal Transcript Due (Appellant) 11/3/2025, Appeal Opening Brief Due (Appellant) 12/12/2025, Appeal Answering Brief Due (Appellee) 1/12/2026. For appeal no. 25-5917, 2:24-cr-00481-SVW-1. All briefs shall be served and filed pursuant to FRAP 31 and 9th Cir. R. 31-2.1. Failure of the petitioner(s)/appellant(s) to comply with this briefing schedule may result in automatic dismissal of the appeal. See 9th Cir. R. 42-1 [Entered: 09/19/2025 02:17 PM]
9/24/2025	3	MOTION to Withdraw as Counsel filed by Kristen Nicole Richards for Appellant David Jund. [Entered: 09/24/2025 11:05 AM]
10/28/2025	4	ORDER FILED. Lisa B. Fitzgerald, Appellate Commissioner. The motion (Docket Entry No. 3) by Kristen N. Richards to withdraw and to appoint new counsel is granted. See U.S.C. § 3006A. Within 14 days of identifying counsel, the appointing authority for the Central District of California is requested to send counsel's contact information to counselappointments@ca9.uscourts.gov . The briefing schedule is stayed and will be reset in a future order. The clerk will serve this order on former counsel and appellant individually. [Entered: 10/28/2025 04:04 PM]
10/28/2025	5	TERMINATED participation of Counsel for Appellant Kristen Nicole Richards, representing Appellant David Jund. [Entered: 10/28/2025 04:08 PM]
11/17/2025	6	CJA Counsel Appointment [Entered: 11/17/2025 02:52 PM]
11/17/2025	7	ADDED Counsel for Appellant Brad Kannof Kaiserman [Entered: 11/17/2025 02:54 PM]
11/18/2025	8	TEXT ONLY ORDER: On November 13, 2025, the court issued a global order resetting the non-jurisdictional deadlines for federally funded attorneys (including FPDs and CJA counsel), that had been stayed by the court's October 1, 2025 Supplemental Administrative Order. If your deadlines were suspended by the October 1 Administrative Order, please review the Order Resetting Deadlines (https://cdn.ca9.uscourts.gov/datastore/uploads/announcements/Clerk_Order_deadlines_final.pdf), available on the court's website, to find your new deadlines. [Entered: 11/18/2025 06:54 PM]
11/20/2025	9	Criminal Appeals Questionnaire filed by Appellant David Jund [Entered: 11/20/2025 10:16 PM]
11/25/2025	10	ORDER FILED. The stay of briefing is lifted. The opening brief is due January 26, 2026. The answering brief is due February 25, 2026. The optional reply brief is due within 21 days after service of the answering brief. [Entered: 11/25/2025 02:38 PM]
1/20/2026	11	Streamlined Request for Extension of Time to File Brief filed by Appellant David Jund. [Entered: 01/20/2026 08:46 AM]
1/20/2026	12	ORDER FILED. Streamlined Request for Extension of Time to File Brief (DE 11) granted. Amended briefing schedule: Opening Brief Due (Appellant) 2/25/2026, Answering Brief Due (Appellee) 3/27/2026. Optional Reply Brief due 21 days after service of Answering Brief. All briefs shall be served and filed pursuant to FRAP 31 and 9th Cir. R. 31-2.1. [Entered: 01/20/2026 08:46 AM]
2/17/2026	13	MOTION to Extend Time to File Brief filed by Appellant David Jund. [Entered: 02/17/2026 07:47 PM]

2/20/2026	14	ORDER FILED. (TEXT ONLY) The motion (Docket Entry No. 13) for an extension of time to file the opening brief is granted. The opening brief is due March 27, 2026. The answering brief is due April 27, 2026. The optional reply brief is due 21 days after the answering brief is served. [Entered: 02/20/2026 02:43 PM]
3/24/2026	15	OPENING BRIEF submitted for filing by Appellant David Jund. [Entered: 03/24/2026 03:39 PM]
3/24/2026	16	EXCERPTS OF RECORD submitted for filing by Appellant David Jund. [Entered: 03/24/2026 03:41 PM]
3/25/2026	17	CLERK ACTION: Opening Brief submitted at DE 15 and Excerpts of Record submitted at DE 16 by Appellant David Jund are filed. No paper copies are required. [Entered: 03/25/2026 03:21 PM]
4/22/2026	18	MOTION for Summary Disposition filed by Appellee United States of America. [Entered: 04/22/2026 10:05 AM]
4/29/2026	19	RESPONSE to Motion for Summary Disposition (DE 18) filed by Appellant David Jund. [Entered: 04/29/2026 10:05 AM]
5/6/2026	20	REPLY to Response to Motion for Summary Disposition (DE 19) filed by Appellee United States of America. [Entered: 05/06/2026 09:36 AM]
5/29/2026	21	ORDER FILED. (Sidney R. THOMAS, Eric D. MILLER, Holly A. THOMAS) The motion (Docket Entry No. 18) for summary affirmance is granted. See United States v. Hooton, 693 F.2d 858 (9th Cir. 1982) (stating standard). Appellant's Second Amendment challenge to his conviction is foreclosed. See United States v. Duarte, 137 F.4th 743, 761 (9th Cir. 2025) (en banc), cert. denied, ___ S. Ct. ___, 2026 WL 135692 (U.S. Jan. 20, 2026). AFFIRMED. [Entered: 05/29/2026 11:00 AM]
6/22/2026	22	MANDATE ISSUED Sidney R. THOMAS, Eric D. MILLER, Holly A. THOMAS. The judgment of this Court, entered 5/29/2026, takes effect this date. [Entered: 06/22/2026 12:19 PM]