No. 26-5472

IN THE SUPREME COURT OF THE UNITED STATES

SAMUEL LEE JONES, AKA SAMUEL LEE TYSON, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

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Petitioner contends (Pet. 27-39) that if 18 U.S.C. 922(g)(1), the federal statute that prohibits a person from possessing a firearm if he has been convicted of "a crime punishable by imprisonment for a term exceeding one year," ibid., is construed to apply where the relevant firearm "traveled in interstate commerce at some undetermined time" before it was possessed by the defendant, Pet. 38, it would exceed Congress's authority under the Commerce Clause, U.S. Const. Art. I, § 8, Cl. 3. That contention merits no further review.

This Court has held that "proof that the possessed firearm previously traveled in interstate commerce is sufficient to

satisfy the [jurisdictional element]" of a similarly worded predecessor felon-in-possession statute. Scarborough v. United States, 431 U.S. 563, 564 (1977); see United States v. Bass, 404 U.S. 336, 350 (1971) ("[T]he Government meets its burden here if it demonstrates that the firearm received has previously traveled in interstate commerce."). The courts of appeals have uniformly upheld that reading against constitutional challenges. See, e.g., United States v. Singletary, 268 F.3d 196, 205 (3d Cir. 2001) (collecting cases), cert. denied, 535 U.S. 976 (2002).[1]

This Court has also repeatedly denied writs of certiorari on that question. See, e.g., Landrum v. United States, cert. denied, No. 25-7530 (Oct. 19, 2026); Hensley v. United States, 146 S. Ct. 2714 (2026) (No. 25-7248); York v. United States, 146 S. Ct. 144 (2025) (No. 24-7244); Mason v. United States, 146 S. Ct. 140 (2025) (No. 24-7286); Freeman v. United States, 146 S. Ct. 129 (2025) (No. 24-7101); Martinez v. United States, 146 S. Ct. 127 (2025) (No. 24-7104); Dean v. United States, 145 S. Ct. 2859 (2025) (No. 24-7217); Riddick v. United States, 145 S. Ct. 2859 (2025) (No. 24-7182); Dominguez v. United States, 145 S. Ct. 2857 (2025) (No. 24-6772); Hemphill v. United States, 145 S. Ct. 2855 (2025) (No.

[1] Although the Fifth Circuit granted rehearing en banc in a case involving a facial Commerce Clause challenge to Section 922(g)(1), see United States v. Squire, 182 F.4th 481 (2026) (per curiam), that court has not yet held argument or issued a decision in that case. There is accordingly no circuit split on the question at this time.

24-6731); Collette v. United States, 145 S. Ct. 2853 (2025) (No. 24-6497). The same result is warranted here.

Furthermore, petitioner did not raise his Commerce Clause challenge in district court. See Pet. App. A1, at 12 (petitioner raised his Commerce Clause challenge to Section 922(g)(1) for the first time on appeal). Petitioner's challenge is therefore subject to plain error review. See Fed. R. Crim. P. 52(b). Petitioner cannot satisfy that standard given the wall of contrary precedent. Cf. Henderson v. United States, 568 U.S. 266, 278 (2013) (explaining that "lower court decisions that are * * * not plainly wrong (at time of trial or at time of appeal) fall outside the * * * scope" of the plain-error rule) (emphasis omitted). At a minimum, petitioner's failure to preserve a Commerce Clause claim makes this case a poor vehicle for reviewing that issue.

The petition for a writ of certiorari should be denied.[2]

Respectfully submitted.

D. JOHN SAUER
Solicitor General

NOVEMBER 2026

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