

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

TERRANCE J. TARDIEFF,

Petitioner,

versus

UNITED STATES OF AMERICA,

Respondent.

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

APPENDIX

CRISTIE GAUTREAUX GIBBENS
Federal Public Defender

DUSTIN C. TALBOT
Appellate Chief
Federal Public Defender's Office
Middle and Western Districts of
Louisiana
102 Versailles Boulevard, Suite 816
Lafayette, Louisiana 70501
Telephone: (337) 262-6336

Attorney for the Petitioner

APPENDIX INDEX

Fifth Circuit opinion, June 11, 2026	App. 001
District court judgment, October 9, 2025	App. 003
District court order on motion to dismiss, March 28, 2025.....	App. 010

United States Court of Appeals for the Fifth Circuit

No. 25-30609
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 11, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

TERRANCE J. TARDIEFF,

Defendant—Appellant.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:22-CR-95-1

Before ELROD, *Chief Judge*, and SMITH, and STEWART, *Circuit Judges*.

PER CURIAM:*

Terrance J. Tardieff appeals his conviction for possession of a firearm after a felony conviction in violation of 18 U.S.C. § 922(g)(1). He argues that § 922(g)(1) is unconstitutional both on its face and as applied to him under *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022). He concedes that his arguments are foreclosed, and the Government has filed an

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

No. 25-30609

unopposed motion for summary affirmance or, in the alternative, for an extension of time to file an appellate brief.

The parties are correct that Tardieff's claims are foreclosed. *See United States v. Schnur*, 132 F.4th 863, 870-71 (5th Cir. 2025); *United States v. Diaz*, 116 F.4th 458, 471-72 (5th Cir. 2024), *cert. denied*, 145 S. Ct. 2822 (2025). Because summary disposition 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 Government's alternative motion for an extension of time is DENIED, and the judgment of the district court is AFFIRMED.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

v.

TERRANCE J. TARDIEFF

§ JUDGMENT IN A CRIMINAL CASE

§

§

§ Case Number: 3:22-CR-00095-JWD-SDJ(1)

§ USM Number: 31510-510

§ **Karl E. Ludwig**

§ Defendant's Attorney

THE DEFENDANT:

☒	pleaded guilty to count(s)	1 of the Indictment
☐	pleaded guilty to count(s) before a U.S. Magistrate Judge, which was accepted by the court.	
☐	pleaded nolo contendere to count(s) which was accepted by the court	
☐	was found guilty on count(s) after a plea of not guilty	

The defendant is adjudicated guilty of these offenses:

Title & Section / Nature of Offense

18:922(g)(1) / Possession of a Firearm by a Convicted Felon

Offense Ended

07/04/2022

Count

1

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s)
- ☐ Count(s) ☐ is ☐ are dismissed on the motion of the United States

It is ordered that the defendant must notify the United States attorney for this district within 30 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. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

October 8, 2025

Date of Imposition of Judgment

Signature of Judge

John W. deGravelles**UNITED STATES DISTRICT JUDGE**

Name and Title of Judge

October 9, 2025

Date

DEFENDANT: TERRANCE J. TARDIEFF
CASE NUMBER: 3:22-CR-00095-JWD-SDJ(1)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

57 months. The defendant's sentence shall run concurrently with any sentences imposed in Dkt. Nos. T04-22-5448, DC-22-03596, and DC-22-03597 at the 19th Judicial District Court, Baton Rouge, Louisiana, and Dkt. Nos. C-612290, C-612291, and C-613437 at the 17th Judicial District Court, Thibodaux, Louisiana.

- ☒ The court makes the following recommendations to the Bureau of Prisons:
It is recommended that the defendant be designated to a facility capable of providing him with substance abuse and mental health treatment, as well as educational services.
- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at ☐ a.m. ☐ p.m. on ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before 2 p.m. on ☐ as notified by the United States Marshal. ☐ as notified by the Probation or Pretrial Services Office.

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 UNITED STATES MARSHAL

DEFENDANT: TERRANCE J. TARDIEFF
CASE NUMBER: 3:22-CR-00095-JWD-SDJ(1)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: **3 years.**

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must 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.
☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with [18 U.S.C. § 3663](#) and [3663A](#) or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act ([34 U.S.C. § 20901](#), et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

DEFENDANT: TERRANCE J. TARDIEFF
CASE NUMBER: 3:22-CR-00095-JWD-SDJ(1)

STANDARD CONDITIONS OF SUPERVISION

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, or if placed on probation, within 72 hours of the time you were sentenced, 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 supervision that the probation officer 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 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 the position or 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.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. I understand additional information regarding these conditions is available at the www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: TERRANCE J. TARDIEFF
CASE NUMBER: 3:22-CR-00095-JWD-SDJ(1)

SPECIAL CONDITIONS OF SUPERVISION

You must participate in a substance abuse assessment and/or treatment program. While participating in the program, you must follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). You must pay the costs of the substance abuse assessment and/or treatment program, to the extent you are financially able to pay. The U.S. Probation Office must determine your ability to pay and any schedule for payment, subject to the Court's review upon request.

You must submit to substance abuse testing to determine if you have used a prohibited substance. You must assist in the cost of the testing, as approved by the probation officer. You must not attempt to obstruct or tamper with the testing methods.

You must not purchase, possess, distribute, administer or otherwise use any controlled substances or psychoactive substances (including but not limited to synthetic marijuana) that impair a person's physical or mental functioning without a valid prescription. If you have a valid prescription, you must disclose the prescription information to the probation officer and follow the instructions on the prescription.

You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). You must pay the costs of mental health treatment program, to the extent you are financially able to pay. The U.S. Probation Office must determine your ability to pay and any schedule for payment, subject to the Court's review upon request.

You must take all mental health medications that are prescribed by your treating physician. You must pay the costs of the medication, to the extent you are financially able to pay. The U.S. Probation Office must determine your ability to pay and any schedule for payment, subject to the Court's review upon request.

You must participate in an educational services program and follow the rules and regulations of that program. Such programs may include high school equivalency preparation, English as a Second Language classes, and other classes designed to improve your proficiency in skills such as reading, writing, mathematics, or computer use. You must pay the costs of the educational services program, to the extent you are financially able to pay. The U.S. Probation Office must determine your ability to pay and any schedule for payment, subject to the Court's review upon request.

If the judgment imposes a financial penalty, you must pay the financial penalty in accordance with the Schedule of Payments sheet of the judgment. You must also notify the court, through the probation officer, of any changes in economic circumstances that might affect the ability to pay this financial penalty.

You must submit your person, property, house, residence, vehicle, papers, computers (as defined in [18 U.S.C. § 1030\(e\)\(1\)](#)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition. The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

DEFENDANT: TERRANCE J. TARDIEFF
CASE NUMBER: 3:22-CR-00095-JWD-SDJ(1)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$100.00	\$0.00	\$0.00	\$0.00	\$0.00

- ☐ The determination of restitution is deferred until *An Amended Judgment in a Criminal Case (AO245C)* will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

- ☐ Restitution amount ordered pursuant to plea agreement \$
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- | | | |
|---|-------------------------------|--|
| ☐ the interest requirement is waived for the | ☐ fine | ☐ restitution |
| ☐ the interest requirement for the | ☐ fine | ☐ restitution is modified as follows: |

*Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: TERRANCE J. TARDIEFF
CASE NUMBER: 3:22-CR-00095-JWD-SDJ(1)

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A** ☐ Lump sum payments of \$ _____ due immediately, balance due
☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B** ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ F below); or
- C** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☐ Payment in equal 20 (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☒ Special instructions regarding the payment of criminal monetary penalties:
It is ordered that the Defendant shall pay to the United States a special assessment of \$100.00 for Count 1, which shall be due immediately. Said special assessment shall be paid to the Clerk, U.S. District Court.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several
See above for Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:
Pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), the defendant shall forfeit to the United States any firearm and ammunition involved or used in the commission of the offense charged in the Indictment, including the SCCY Model CPX-2, 9mm pistol, bearing serial number 919046, and any ammunition seized from him.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVT Assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION
NO. 22-95-JWD-SDJ

TERRANCE TARDIEFF

RULING AND ORDER

This matter comes before the Court on the *Motion to Dismiss the Indictment* ([Doc. 22](#)) (“*Motion to Dismiss*” or “*Motion*”) filed by Defendant Terrance Tardieff (“Defendant” or “Tardieff”). The Government opposes the *Motion*. ([Doc. 32.](#)) Defendant filed a reply. ([Doc. 39.](#)) The Government filed a sur-reply. ([Doc. 42.](#)) Oral argument was held on February 27, 2025. ([Doc. 44.](#)) The Court has carefully considered the law and the arguments and submissions of the parties and is prepared to rule. For the following reasons, Defendant’s *Motion* is denied.

On November 3, 2022, Defendant was indicted for one count of violating [18 U.S.C. § 922\(g\)\(1\)](#) (Possession of a Firearm by a Convicted Felon). ([Doc. 1 at 1.](#)) The predicates for this offense are Defendant’s prior convictions of: (1) simple burglary, a felony, in the 17th Judicial District Court, Parish of LaFourche, Louisiana, on April 1, 2008 ([Doc. 45](#), Government’s Exhibit 2), (2) simple burglary, a felony, in the 17th Judicial District Court, Parish of LaFourche, Louisiana, on March 2, 2011 (*id.* at Government’s Exhibit 6), (3) simple robbery, a felony, in the 17th Judicial District Court, Parish of LaFourche, Louisiana, on April 1, 2008 (*id.*, Government’s Exhibit 4), and (4) felony theft, in the 19th Judicial District Court, Parish of East Baton Rouge, Louisiana, on February 21, 2018 (*id.*, Government’s Exhibit 8).

Defendant filed the instant *Motion to Dismiss* on January 3, 2024, requesting that the Court stay the case until the Supreme Court ruled on *United States v. Rahimi*, [602 U.S. 680](#) (2024). ([Doc.](#)

22.) On January 4, 2024, the Court granted the stay pending the decision in *Rahimi*. (Doc. 23.) *Rahimi* was decided on June 21, 2024. 602 U.S. 680. Following briefing from the parties on the issue of the stay, the Court granted Defendant's request to stay the case until the Fifth Circuit ruled on *United States v. Diaz*, 116 F.4th 458 (2024). (Doc. 28.) *Diaz* was decided on September 18, 2024. 116 F.4th 458. On October 4, 2024, the Court ordered the case remain stayed pending the mandate in *Diaz* and ordered the parties to brief the *Motion to Dismiss* in light of *Diaz*. (Doc. 29.)

One of Defendant's predicate felonies, simple burglary, is the same as the predicate felony discussed by this Court in *United States v. Crocklem*, 24-37 (M.D. La. Mar. 28, 2025). Like *Crocklem*, Defendant is represented by the Federal Public Defender's Office, and Defendant raised the same arguments that *Crocklem* raised. (Doc. 22-1; Doc. 39.) Defendant conceded at oral argument that if one predicate felony is found to be constitutional, the Court need not address the other predicates. *See Greater New Orleans Broad. Ass'n, Inc. v. United States*, 527 U.S. 173, 184 (1999) ("It is, however, an established part of our constitutional jurisprudence that we do not ordinarily reach out to make novel or unnecessarily broad pronouncements on constitutional issues when a case can be fully resolved on a narrower ground."). For the reasons given in *Crocklem* regarding the § 922(g)(1) challenge, the *Motion* is denied.

Accordingly,

IT IS ORDERED that the *Motion to Dismiss the Indictment* (Doc. 22) filed by Defendant Terrance Tardieff is **DENIED**.

Signed in Baton Rouge, Louisiana, on March 28, 2025.



**JUDGE JOHN W. deGRAVELLES
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**