APPENDIX

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U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 25-2573

UNITED STATES OF AMERICA

v.

NOAH CRADDOCK,

Appellant

Appeal from the U.S. District Court, M.D. Pa.
Judge Jennifer P. Wilson, No. 1:22-cr-00050-001

Before: CHAGARES, *Chief Judge*; RESTREPO, AND MONTGOMERY-REEVES, *Circuit Judges*
Submitted Jun. 10, 2026;

Filed Jul. 1, 2026

OPINION OF THE COURT

MONTGOMERY-REEVES, *Circuit Judge*.

Noah Craddock challenges the District Court's decision to impose a four-level sentencing enhancement under § 2K2.1(b)(4)(B)(i) of the 2024 U.S. Sentencing Guidelines Manual (the "Guidelines")[1] for

[1] Unless otherwise noted, all references to the Guidelines refer to the 2024 Guidelines, as Craddock was sentenced in August 2025. *See* U.S. Sent'g Guidelines Manual § 1B1.11(a) (U.S. Sent'g Comm'n 2024) ("The court shall use the Guidelines Manual in effect on the date that the defendant is sentenced.").

possessing a single firearm with one illegible serial number and one legible serial number. We hold that the enhancement in § 2K2.1(b)(4)(B)(i) applies if a firearm has a single serial number that was modified to be illegible or unrecognizable to the unaided eye. The presence of a separate legible serial number on a firearm does not prohibit the enhancement's application. We will therefore affirm the District Court's judgment.

I. FACTS & PROCEDURAL HISTORY

In November 2020, Craddock was arrested after a slow speed pursuit. In a search incident to the arrest, law enforcement discovered a disassembled Glock pistol and 9mm ammunition. The dissembled firearm had two serial numbers: one fully visible on the slide, and the other partially visible on the pistol frame. The partially visible serial number was mostly scratched off, though certain characters could still be identified and matched the visible serial number.

As a felon, Craddock was charged with illegally possessing a firearm under 18 U.S.C. § 922(g)(1). He pleaded guilty to the charge. Before sentencing, the Probation Office recommended a four-level enhancement under § 2K2.1(b)(4)(B)(i). That enhancement provides that a defendant's base offense level increases four levels if "any firearm had a serial number that was modified such that the original information is rendered illegible or unrecognizable to the unaided eye." Guidelines § 2K2.1(b)(4)(B)(i).

At sentencing, the District Court applied § 2K2.1(b)(4)(B)(i)'s four-level enhancement. It found that "several characters" of the partially visible serial number on the pistol frame were "not legible" or "recognizable to the naked eye." App. 73. As a result,

the District Court held that § 2K2.1(b)(4)(B)(i)'s plain language unambiguously applied to Craddock where he was found in possession of a firearm containing at least one illegible serial number. And it determined that the presence of a separate legible serial number on the firearm's slide was irrelevant to its analysis. Craddock timely appealed.

II. JURISDICTION & STANDARD OF REVIEW

The District Court had jurisdiction under 18 U.S.C. § 3231. We have jurisdiction under 28 U.S.C. § 1291 and 18 U.S.C. § 3742(a). We exercise plenary review of the District Court's interpretation of the Guidelines. *United States v. Nasir*, 17 F.4th 459, 468 (3d Cir. 2021) (en banc). Plenary review requires that we review the question presented to the District Court anew without giving deference to the District Court's interpretation of the Guidelines. *United States v. Caraballo*, 88 F.4th 239, 243 (3d Cir. 2023).

III. ANALYSIS

We are asked to resolve whether § 2K2.1(b)(4)(B)(i)'s four-level enhancement applies when a firearm has a single illegible serial number and a separate legible serial number. When interpreting the Guidelines' text, we "presume that words carry their ordinary meaning" and we look to "standard reference works such as legal and general dictionaries" to determine ordinary meaning. *Caraballo*, 88 F.4th at 246 (quoting *Da Silva v. Att'y Gen.*, 948 F.3d 629, 635 (3d Cir. 2020)). We consult references such as "Black's Law Dictionary, Oxford English Dictionary, and Webster's Dictionary" for this purpose. *Id.* (alterations omitted).

We start and end our analysis with the text of § 2K2.1(b)(4)(B)(i). To refresh, sentencing courts in-

crease by four levels a defendant's base offense level if the defendant's offense involved "any firearm ha[ving] a serial number that was modified such that the original information is rendered illegible or unrecognizable to the unaided eye." Guidelines § 2K2.1(b)(4)(B)(i). The plain meaning of the terms "any," "a," "modified," and "illegible" resolves this appeal. "Any" connotes breadth and, when paired with a singular noun like "firearm," most naturally "refer[s] to an unspecified number of a particular class." *Any*, *Oxford English Dictionary* (2d ed. 1989) (last modified June 2026); *see also Ali v. Fed. Bureau of Prisons*, 552 U.S. 214, 219 (2008) ("[R]ead naturally, the word 'any' has an expansive meaning, that is, 'one or some indiscriminately of whatever kind.'" (quoting *United States v. Gonzales*, 520 U.S. 1, 5 (1997))). "A," when used, as here, "in an indefinite noun phrase referring to something not specifically identified," means "one, some, [or] any." *A*, *Oxford English Dictionary* (2d ed. 1989) (last modified Mar. 2026); *accord United States v. Warren*, 820 F.3d 406, 408 (11th Cir. 2016) ("[I]n common terms, when 'a' or 'an' is followed by a restrictive clause or modifier, this typically signals that the article is being used as a synonym for either 'any' or 'one.'" (quoting *United States v. Alabama*, 778 F.3d 926, 932 (11th Cir. 2015))). So, we know § 2K2.1(b)(4)(B)(i) expansively applies to firearms with at least one serial number.

But that does not end the inquiry because a restrictive clause containing the terms "was modified" and "is rendered illegible" modifies "serial number."[2] The transitive verb "modify" (rendered here in the past tense and in passive voice) means "[t]o make

[2] The parties do not dispute the part of the restrictive clause containing the phrase "unrecognizable to the unaided eye."

somewhat different." *Modify*, *Black's Law Dictionary* (12th ed. 2024); *see also Modify*, *Oxford English Dictionary* (2d ed 1989) (last modified June 2026) ("To make partial or minor changes to"; "to cause to vary without radical transformation."). The adjective "illegible" means "not clear enough to read" and "difficult to make out." *Illegible*, *Oxford English Dictionary* (2d ed. 1989) (last modified Sept. 2025).

Putting these terms together, the most natural reading of § 2K2.1(b)(4)(B)(i) comes into view. It applies to firearms with at least one serial number that has been at least partially changed to make the serial number unreadable or difficult to read. Craddock acknowledges that he possessed a handgun with at least one serial number, "the middle four digits of which were marred." Opening Br. 2. That acknowledgment resolves this appeal. Under any reading of § 2K2.1(b)(4)(B)(i), Craddock possessed a firearm with a serial number that was "marred" to the point of illegibility.[3]

Craddock resists this conclusion and argues that the Sentencing Commission changed the plain meaning of § 2K2.1(b)(4)(B)(i) in a 2024 amendment.[4]

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[3] We note that our holding accords with at least six of our sister circuits. *See United States v. Serrano-Mercado*, 784 F.3d 838, 850 (1st Cir. 2015) (holding that the use of "a" or "an" in pre-amendment § 2K2.1(b)(4)(B)—an indefinite article that remained post-amendment—does "not require that *all* of [a] gun's serial numbers be . . . affected"); *United States v. St. Hilaire*, 960 F.3d 61, 65 (2d Cir. 2020); *United States v. Jones*, 927 F.3d 895, 897 (5th Cir. 2019); *United States v. Sands*, 948 F.3d 709, 713 (6th Cir. 2020); *United States v. Thigpen*, 848 F.3d 841, 845–46 (8th Cir. 2017); *Warren*, 820 F.3d at 408.

[4] Before 2024, § 2K2.1(b)(4)(B) applied to "any firearm [that] had an altered or obliterated serial number." U.S. Sent'g

Craddock is wrong twice over. *First*, he construes the terms "any firearm" and "original information" in the amended § 2K2.1(b)(4)(B)(i) to mean that the four-level enhancement cannot apply when a firearm "as a whole" bears a "complete and accurate serial number." Opening Br. 9–10. But that argument adds words that are not there. As stated, "any firearm" does not necessarily mean the whole firearm—just a firearm of "whatever kind." *Any*, *Merriam Webster's Collegiate Dictionary* (11th ed. 2004). Nor does "original information" mean "complete and accurate" information, as Craddock posits. *Original*, *Oxford English Dictionary* (2d ed. 1989) (last modified June 2026) ("That is the origin or source of something; from which something springs, proceeds, or is derived; primary."). And, even if we accept Craddock's strained construction, the enhancement still applies. As here, a whole firearm can have a "complete and accurate serial number" while also having "a serial number" that was changed to be "illegible or unrecognizable to the naked eye." Craddock's attempt to defeat the plain meaning simply ignores the most relevant language—"*a* serial number."

Second, the Sentencing Commission amended § 2K2.1(b)(4)(B)(i) not, as Craddock contends, to permit an escape hatch for criminals using guns with multiple serial numbers but to "resolve[] the differences in how the circuits interpret[ed] the term 'altered' in the [four]-level enhancement at § 2K2.1(b)(4)(B)." *Sentencing Guidelines for United States Courts*, 89 Fed. Reg. 36853, 36858–59 (May 3, 2024) (detailing circuit split). Craddock's argument then is also inconsistent "with the Commission's

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Guidelines Manual § 2K2.1(b)(4)(B)(i) (U.S. Sent'g Comm'n 2023).

recognition in 2006 of both the difficulty in tracing firearms with altered and obliterated serial numbers, and the increased market for these types of weapons." *Id.* at 36859 (quotation marks omitted).

* * * * *

To apply § 2K2.1(b)(4)(B)(i), a sentencing court need only identify whether a firearm has a single modified serial number that is illegible or unrecognizable to the naked eye. The presence of a separate legible serial number does not prohibit the application of § 2K2.1(b)(4)(B)(i)'s four-level enhancement. Because the District Court properly applied the enhancement, we will AFFIRM.

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Case No. 1:22-CR-050
(Judge Wilson)

UNITED STATES OF AMERICA

vs.

NOAH LEE CRADDOCK,

Defendant

EXCERPTS FROM TRANSCRIPT OF
SENTENCING PROCEEDINGS
BEFORE THE HONORABLE JENNIFER P. WILSON
UNITED STATES DISTRICT COURT JUDGE
AUGUST 12, 2025; 1:53 P.M.
HARRISBURG, PENNSYLVANIA

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* * *

[9]

THE COURT: Based on the court's review and the parties' agreement, first of all, I will note that several characters on this serial number on the frame of this firearm are, in fact, obliterated. They are not legible. They are not recognizable to the naked eye. I don't think that's in dispute. Also not in dispute, the serial number on the slide of this particular firearm is not altered in any manner. So those facts are not in dispute.

Where does that put us? Well, we look at the guideline section, we look at the plain language of the guideline section. The section at issue is 2K2.1 (b)(4)(B)(i). That provision states that there is a two[sic]-offense level increase when, quote, Any firearm had a serial number that was modified such that the original information is rendered illegible or unrecognizable to the naked eye.

This plain language is unambiguous. The increase applies when there is a firearm with a serial number that is obliterated. That is the case with respect to the firearm that was recovered from Mr. Craddock on November 13, 2020.

I don't believe it's material for purposes of [10] application of this enhancement pursuant to the plain, unambiguous language of the guideline section that there was another legible serial number on the same firearm.

I'm not relying on the *Riley* decision because I agree with the government that it did address a different issue, which is the degree of illegibility required to trigger the guideline provision. So I'm also not resorting to the rule of lenity because I do not perceive any ambiguity in the guideline section at issue.

I will, however, rely upon the precedent, which is nonbinding, from six other circuits, all of which have held that this enhancement applies if a single iteration of a gun serial number was altered or obliterated, even when there is another legible serial number on the same firearm.

Once again, I agree with the government that this interpretation is entirely consistent with the purpose of the enhancement, which is to discourage the use of untraceable firearms. If a serial number on any part

of a firearm is obliterated, that triggers the concern because parts of firearms can be swapped. So that is my ruling, and that is the basis for my ruling.

* * *

[13]

THE COURT: All right. Then the court will adopt in part and reject in part the findings and guidelines calculations in the presentence report.

The defendant's total offense level is 21, which includes a base offense level of 20 pursuant to Guideline Section 2K2.1(a)(4) -- I'm sorry, I think I -- (a)(4)(B), I think. Yeah. I think I have the wrong number. No, (a)(4) we'll just say. Officer Calvi will tell me if I have that wrong. I think I misnoted it in my report or in my outline here.

This part I am sure of, there is a four-level increase pursuant to Guideline Section 2K2.1(b)(4)(B)(i) because the defendant possessed a firearm with an obliterated serial number. And then, finally, a three-level reduction for acceptance of responsibility pursuant to Guideline Section [14] 3E1.1. So the base offense level is 2K2.1(a)(4)(A), just so the record is clear.

Mr. Craddock has 14 criminal history points, and he is in criminal history category six. So the resulting guidelines range of imprisonment is 77 to 96 months.

* * *

[16]

[*THE COURT*:] I've reviewed the departure provision and Guideline Section 5H1.4, and I have concluded that that guideline section does not support

the requested departure in this instance. So the motion is denied.

* * *

[34]

[*THE COURT*:] I've been asked by both attorneys to look at the issue of sentencing disparities, and I have. Both parties referred me to the JSIN tool, which is provided by the United States Sentencing Commission. I, too, ran my own search. It happens to be the same search that was run by the government.

And I found the same information that government counsel found, which is that when I input the data that's relevant to your sentencing, the average length of imprisonment imposed nationwide was 71 months, and the median length of imprisonment imposed was 77 months.

I factored that in understanding that your attorney was asking me to grant a variance on your behalf. The guideline range, again, was 77 to 96 months. I am granting a variance based on the need to avoid unwarranted disparity relative to the average national sentencing data of 71 months. So I'm granting a very modest variance, six months below the guideline range, due to the need to avoid unwarranted disparity.

* * *

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT
OF PENNSYLVANIA

Crim. No. 1:22-CR-0050

UNITED STATES OF AMERICA

v.

NOAH LEE CRADDOCK

Judge Jennifer P. Wilson

MEMORANDUM

Defendant Noah Lee Craddock ("Craddock") is charged in a one-count indictment with possession of a firearm by a prohibited person in violation of 18 U.S.C. § 922(g)(1). (Doc. 1.) Before the court is a motion to withdraw Craddock's guilty plea arguing that *Range v. Attorney General*, 69 F.4th 96 (3d Cir. 2023) "directly changes the applicable law controlling" this case. (Doc. 50.) For the reasons stated herein, the court will deny the motion to withdraw guilty plea.

BACKGROUND

Craddock was charged by indictment on February 9, 2022, with one count of possession of a firearm by a prohibited person in violation of 18 U.S.C. § 922(g)(1). (Doc. 1.) He had an initial appearance on March 28, 2022, and was released on conditions pending trial. (Doc. 13.) On January 3, 2023, Craddock entered a

guilty plea pursuant to a plea agreement to Count 1, and was detained pending sentencing. (Docs. 35, 38, 40.) Prior to sentencing, on June 29, 2023, Craddock filed the instant motion to withdraw his guilty plea and a brief in support thereof. (Docs. 50, 51.) The same day, Craddock filed a motion to dismiss the indictment. (Doc. 52.) Both motions have been fully briefed by the parties. (Docs. 53, 56, 57, 58.) Thus, they are ripe for review.

On December 4, 2023, Craddock filed a motion for release from custody. (Doc. 63.) Following a hearing, Craddock's motion was granted, and he was released on conditions on December 17, 2023. (Docs. 65, 66.) On January 5, 2024, the court stayed the motion to withdraw guilty plea and motion to dismiss indictment pending the Third Circuit's review of this court's decisions in *United States v. Quailes*, 688 F. Supp. 3d 184 (M.D. Pa. 2023), and *United States v. Harper*, 689 F. Supp. 3d 16 (M.D. Pa. 2023). (Doc. 68.)

STANDARD OF REVIEW

Federal Rule of Criminal Procedure 11(d) dictates when a defendant may withdraw his guilty plea. This may occur before the court accepts the plea, or after the court accepts the plea but before sentence is imposed if "the court rejects the plea agreement under 11(c)(5)," or "the defendant can show a fair and just reason for requesting the withdrawal." FED. R. CRIM. P. 11(d). In considering whether to allow withdrawal of a guilty plea, the court must consider: "(1) whether the defendant asserts his innocence; (2) the strength of the defendant's reasons for withdrawing the plea; and (3) whether the government would be prejudiced by the withdrawal." *United States v. Jones*, 336 F.3d 245, 252 (3d Cir. 2003) (citations omitted). The defendant bears a "substantial burden"

in asking the court to withdraw his plea. *United States v. Agarwal*, 24 F.4th 886, 890 (3d Cir. 2022) (quoting *United States v. Siddons*, 660 F.3d 699, 703 (3d Cir. 2011)).

DISCUSSION

Craddock argues that *Range v. Attorney General*, 69 F.4th 96 (3d Cir. 2023) ("*Range II*"), "directly changes the applicable law controlling" this case. (Doc. 50, p. 3.) Craddock asserts his innocence, which he submits is supported by *Range II*, and is the reason for his "contradictory position from his Change of Plea hearing." (Doc. 51, pp. 3–4.) He further argues that he has a strong reason to withdraw his guilty plea as he "did not have adequate resources available at the time of his Plea Agreement to make an Intelligent decision on courses of action available to him." (*Id.* at 4.) Because *Range II* was decided approximately five months after Craddock pleaded guilty, Craddock argues that he was not able to make a reasonably informed decision on all courses of action available to him. (*Id.* at 5.) Lastly, Craddock submits that the burden now shifts to the Government to show that withdrawal of his guilt[sic] plea would prejudice its case.

In opposition, the Government asserts that Craddock "does not present a sufficient claim of actual innocence, and his reason for withdrawing his plea is not strong." (Doc. 56, p. 3.) The Government submits that Craddock's argument that this prosecution violates the Second Amendment pursuant to *Range II* is without merit, thus, there is no legitimate basis for which Craddock can withdraw his guilty plea. (*Id.*) Further, because Craddock cannot prove the first two factors, the Government need not address the prejudice factor. (*Id.* at 3–4.)

Craddock's motion rests solely on his ability to show "a fair and just reason" for the withdrawal because the court has not rejected his plea agreement. *See* Fed. R. Crim. P. 11(d)(2). Therefore, the court must consider the three key factors outlined by the Third Circuit.

Here, the first and second factor are intertwined. Craddock asserts that he is innocent because the Third Circuit found that Section 922(g)(1) violates the Second Amendment as applied to Bryan Range based on the holding in *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1 (2022). Craddock claims that this holding directly changes the applicable law as applied to his case. However, this argument fails for two reasons.

First, *Range II* was vacated. On July 2, 2024, the Supreme Court granted a petition for writ of certiorari for *Range II*, vacated the judgment, and remanded *Range II* for further consideration based on the Court's decision in *United States v. Rahimi*, 602 U.S. 680 (2024). *Garland v. Range*, 144 S. Ct. 2706, 2707 (2024). On December 23, 2024, the Third Circuit issued another *en banc* opinion in *Range v. Attorney General*, 124 F.4th 218 (3d Cir. 2024) ("*Range III*"), again finding that Section 922(g)(1) violates the Second Amendment as applied to Range based on the application of the holdings in *Bruen* and *Rahimi*. Thus, *Range II* is no longer good law.

Second, in *Range II*, the Third Circuit stated: "Our decision today is a narrow one. Bryan Range challenged the constitutionality of 18 U.S.C. § 922(g)(1) only as applied to him given his violation of 62 Pa. Stat. Ann. § 481(a)." Therefore, the holding in *Range II* did not "directly change[] the applicable law controlling Mr. Craddock's case." (*See* Doc. 50, p. 3.)

Because Craddock has not met the first two factors, the court need not consider the prejudice to the Government.

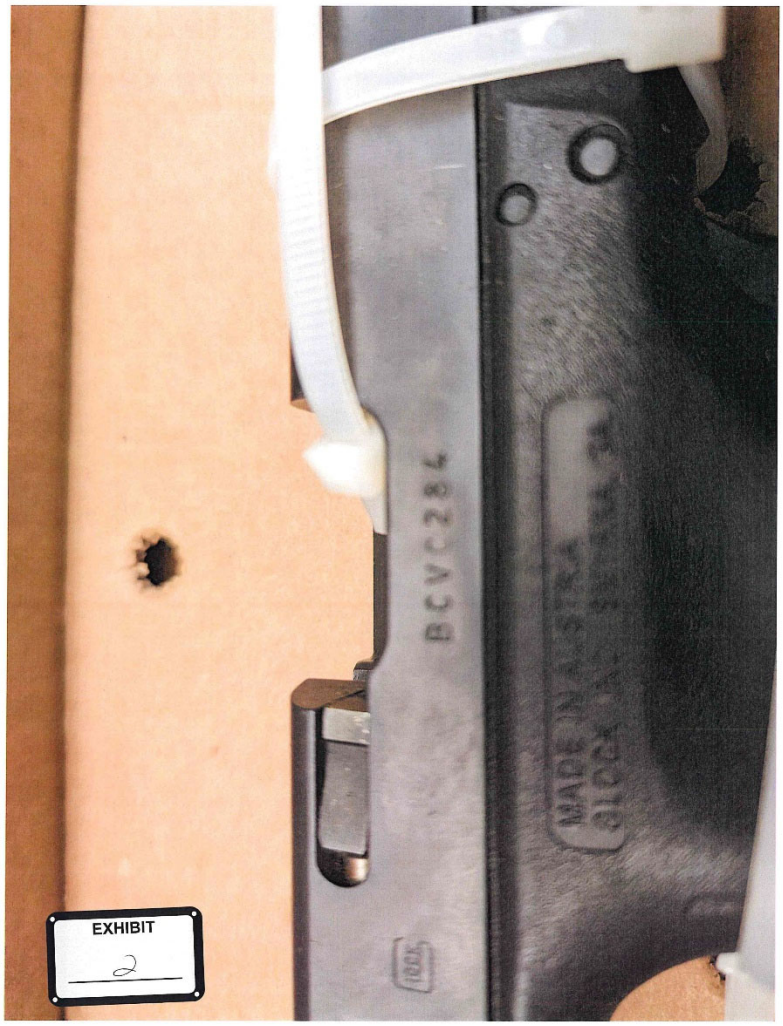
CONCLUSION

Accordingly, the court finds that Craddock has not met his burden of establishing a fair and just reason to withdraw his guilty plea. For the reasons stated herein, the motion to withdraw guilty plea, Doc. 50, will be denied. Furthermore, the motion to dismiss indictment, Doc. 52, will be denied as moot. An appropriate order will issue.

s/Jennifer P. Wilson
JENNIFER P. WILSON
United States District Judge
Middle District of Pennsylvania

Dated: April 11, 2025


EXHIBIT
/


EXHIBIT
2
BCVC284