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UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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ORDER

July 21, 2026

Before

DIANE S. SYKES, *Circuit Judge*
DORIS L. PRYOR, *Circuit Judge*
REBECCA TAIBLESON, *Circuit Judge*

No. 25-3147	UNITED STATES OF AMERICA, Plaintiff - Appellee v. LAMONT FERDINAND, Defendant - Appellant
Originating Case Information:	
District Court No: 1:24-cr-00559-1 Northern District of Illinois, Eastern Division District Judge Jeremy C. Daniel	

The following is before the court: **GOVERNMENT'S MOTION FOR SUMMARY AFFIRMANCE**, filed on July 13, 2026, by counsel for the appellee.

The issues presented in the appellant's opening brief have been resolved, adversely to appellant, by *United States v. Prince*, 171 F.4th 1009 (7th Cir. 2026), and *United States v. Watson*, 171 F.4th 1012 (7th Cir. 2026). Accordingly,

IT IS ORDERED that the government's motion is **GRANTED**, and the district court's judgment is summarily **AFFIRMED**.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA,

v.

LAMONT FERDINAND

No. 24 CR 559

Judge Jeremy C. Daniel

ORDER

The defendant's motion to dismiss the indictment [15] is denied.

STATEMENT

The defendant, Lamont Ferdinand, has been indicted for possessing a firearm while being a convicted felon in violation of 18 U.S.C. § 922(g)(1). (R. 1.)¹ He moves to dismiss the indictment, arguing that § 922(g)(1) is unconstitutional, as applied to him, under the Second Amendment. (R. 15.) According to the defendant, the prohibition on felons possessing firearms is inconsistent with the history and tradition of the Second Amendment. (*Id.*)

The Supreme Court established the history and tradition test for interpreting the Second Amendment in 2022. *N.Y. State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1, 24 (2022). In *Bruen*, the Court announced that "regulations" that burden the right to bear arms must be "consistent with the Nation's historical tradition of firearm regulation." *Id.* To pass muster under this new test, a firearm regulation must be analogous, in some way, to a historical analog. *Id.* at 30. The Court returned to the *Bruen* test two years later, concerned that "some courts have misunderstood the methodology of [its] recent Second Amendment cases." *United States v. Rahimi*, 602 U.S. 680, 691 (2024). In *Rahimi*, the Court clarified that *Bruen* did not "suggest a law trapped in amber." Considering another provision of § 922 which disarms those subject to domestic violence restraining orders, the Court found the provision constitutional because "prohibition on the possession of firearms by those found by a court to present a threat to others fits neatly within the tradition" of "surety and going armed laws." *Id.* at 698.

¹ For ECF filings, the Court cites to the page number(s) set forth in the document's ECF header unless citing to a particular paragraph or other page designation is more appropriate.

Since *Bruen* and *Rahimi*, many defendants have challenged the constitutionality of §922(g)(1), with mixed results. The Circuit Courts are split, with the Fourth, Fifth, Sixth, Ninth, Tenth, and Eleventh Circuits upholding the statute.² Meanwhile, the Third Circuit has concluded that disarming non-violent offenders violates the Second Amendment. *Range v. Att’y Gen. United States*, 124 F.4th 218, 231 (3rd Cir. 2024). The Seventh Circuit has not expressly spoken on this matter, but it has provided two guideposts for its lower courts. First, it provided “interrelated and non-exhaustive questions” to “help focus the analysis” under *Bruen*. *Atkinson v. Garland*, 70 F.4th 1018, 1023 (7th Cir. 2023) (remanding a pre-*Bruen* dismissal of a Second Amendment challenge to § 922(g).) Second, it held felons out on parole were not “law-abiding, responsible” persons with the right to bear arms. *United States v. Gay*, 98 F.4th 843, 847 (7th Cir. 2024).

Courts in this district are likewise split on the application of *Rahimi* and *Bruen* to § 922(g)(1). The vast majority³ have upheld disarming felons as constitutional, while a minority have reached the same conclusion as the Third Circuit, holding that disarming non-violent felons is unconstitutional, *United States v. Griffin*, No. 21 CR 693, Dkt. 85 at 16–17 (N.D. Ill. Nov. 30, 2023), and some have gone further and held that all of § 922(g)(1) is unconstitutional, *United States v. Prince*, 700 F. Supp. 3d 663, 676 (N.D. Ill. 2023).

All of this is to say that neither this Court, the government, nor the defendant are writing on a blank slate. The fault lines between the courts that uphold § 922(g)(1)

² See *United States v. Canada*, 123 F.4th 159, 161 (4th Cir. 2024); *United States v. Diaz*, 116 F.4th 458, 462 (5th Cir. 2024), *cert. denied*, No. 24-6625, 2025 WL 1727419 (U.S. June 23, 2025); *United States v. Williams*, 113 F.4th 637, 642 (6th Cir. 2024); *United States v. Jackson*, 110 F.4th 1120, 1122 (8th Cir. 2024), *cert. denied*, No. 24-6517, 2025 WL 1426707 (U.S. May 19, 2025); *United States v. Duarte*, 137 F.4th 743, 762 (9th Cir. 2025); *Vincent v. Bondi*, 127 F.4th 1263, 1264 (10th Cir. 2025); *United States v. Dubois*, 139 F.4th 887, 889 (11th Cir. 2025).

³ See e.g., *United States v. Mintz*, No. 22 CR 438, 2024 WL 3177910, at *1 (N.D. Ill. June 26, 2024); *United States v. Barenas-Reynoso*, No. 19 CR 351-8, 2024 WL 3509757, at *1 (N.D. Ill. July 23, 2024); *United States v. McGraw*, No. 23 CR 28, 2024 WL 3904618, at *1 (N.D. Ill. Aug. 22, 2024); *United States v. Montes*, No. 23 CR 182-1, 2024 WL 3904631, at *1 (N.D. Ill. Aug. 22, 2024); *United States v. Chavez*, No. 21 CR 750-1, 2024 WL 3904629, at *1 (N.D. Ill. Aug. 22, 2024); *United States v. Gutierrez*, No. 22 CR 329, 2024 WL 4041321, at *13 (N.D. Ill. Sept. 4, 2024); *United States v. Fondren*, No. 22 CR 376, 2024 WL 4132771, at *5 (N.D. Ill. Sept. 10, 2024); *United States v. Montgomery*, No. 23 CR 623, 2024 WL 4240759, at *1 (N.D. Ill. Sept. 19, 2024); *United States v. Richmond*, No. 21 CR 152, 2024 WL 4252802, at *6 (N.D. Ill. Sept. 20, 2024); *United States v. Hurd*, No. 22 CR 50026, 2024 WL 4604501, at *3 (N.D. Ill. Oct. 29, 2024); *United States v. Finley*, No. 22 CR 50055, 2024 WL 4664472, at *1 (N.D. Ill. Nov. 4, 2024); *United States v. Baxter*, No. 23 CR 50005, 2024 WL 4679096, at *5 (N.D. Ill. Nov. 5, 2024); *United States v. Castillo*, No. 23 CR 113, 2025 WL 92565, at *1 (N.D. Ill. Jan. 14, 2025); *United States v. Vazquez*, No. 24 CR 254-1, 2025 WL 405041, at *3 (N.D. Ill. Feb. 5, 2025); *Guzman v. United States*, No. 24 CV 50020, 2025 WL 1309600, at *2 (N.D. Ill. May 6, 2025).

and the courts that invalidate the statute are well established. There are two live issues in a 922(g)(1) case: first, whether “the people” as used in the Second Amendment includes a person with a felony conviction; second, whether the government’s proposed historic analogs—disarmament of untrustworthy groups and harsh punishment for felons—are adequate historic analogs to the modern practice of felon disarmament.

The Court concludes convicted felons are within “the people” of the Second Amendment. The government argues that the usage of “the people” in the Second Amendment is limited to “a class of persons who are part of a national community,” which does not include lawbreakers. (R. 17 at 13 (quoting *D.C. v. Heller*, 554 U.S. 570, 625 (2008).) Lawbreakers, including felons, are deprived of many rights and privileges of “the people,” including the right to vote, run for office, and serve on juries. (*Id.* at 14) This is a compelling argument, but one that is not mandated by *Heller*, and is inconsistent with Seventh Circuit precedent.

Heller’s reference to a “national community” is made to distinguish the term “the people” from the term “militia.” *Heller* established that the Second Amendment’s right to bear arms extends to the people—“a class of persons who are part of a national community”—not to the militia—“those who were male, able bodied, and within a certain age range.” *Heller*, 554 U.S. 580–81. To the extent *Heller* has further guidance for the Court here, in dicta there are statements that disarming felons is not prohibited, and that “the scope of the right” does not extend to “weapons not typically possessed by law-abiding citizens for lawful purposes, such as short-barreled shotguns.” *Id.* at 625, 627. This is helpful, but not conclusive. The Seventh Circuit provided further guidance when it directly considered the scope of “the people” as defined by the Second Amendment, and concluded that it extended further than those in perfect compliance with the law:

[The defendant] has fallen down on the job of performing as a responsible member of the community. But that is not the point. Many people, citizens and noncitizens alike, raising Fourth Amendment claims are likely to have a criminal record, but we see no hint in [prior caselaw] that this is a relevant consideration. Such a test would require a case-by-case examination of the criminal history of every noncitizen (including a lawful permanent resident) who seeks to rely on her constitutional rights under the First, Second, or Fourth Amendment. Not only would this test be difficult to implement; it would also create the potential for a noncitizen to lose constitutional rights she previously possessed simply because she began to behave in a criminal or immoral way. The Second Amendment is not limited to such on-again, off-again protection.

United States v. Meza-Rodriguez, 798 F.3d 664, 671 (7th Cir. 2015) (Mexican citizen in the United States without authorization could invoke Second Amendment protections, but was still subject to disarmament). This is conclusive—lawbreakers are part of “the people” as used by the Second Amendment. *Gay* does not alter this conclusion because *Gay* was on parole, *i.e.*, still in custody, and therefore subject to many restrictions of rights normally secured for “the people.” 98 F.4th at 847. The indictment in this case makes no mention of the defendant being in custody at the time of his offense, therefore *Gay*’s holding does not apply here. (*See* R. 1.) Nor did *Kanter v. Barr* set aside the reasoning of *Meza-Rodriguez*; the Seventh Circuit passed on “resolv[ing] this difficult issue [of felon disarmament] regarding the historical scope of the Second Amendment” and decided the case under pre-*Bruen* “means-end scrutiny.” 919 F.3d 437, 447–48 (7th Cir. 2019).

Having decided that the defendant may invoke the Second Amendment, the Court must now decide whether § 922(g)(1) is consistent with the history and tradition of the Second Amendment. The Court’s task here is to determine whether the challenged law comports with the “principles that underpin our regulatory tradition” dating back to founding-era America. *Rahimi*, 602 U.S. at 692. If it can be shown that founding-era America suffered a similar problem, and used similar solutions to that problem, then the challenged law is likely constitutional. *Id.* But “the law is not trapped in amber” and the scope of permissible solutions is not limited to the imagination of founding-era legislatures. *Id.* at 691. In accordance with Seventh Circuit guidance, the Court will also consider the extent to which § 922(g)(1) addresses a societal problem that has persisted since the 18th century, and the extent to which direct or indirect historical analogues exist for substantive comparisons. *See Atkinson*, 70 F.4th at 1023.

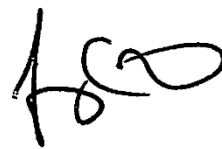
The government puts forward two lines of evidence to place § 922(g)(1) within our history and tradition of firearm regulation. First, it argues that there is long history of Anglo-American governments disarming “those considered untrustworthy adherents to the law.” (R. 17 at 22.) Reviewing the provided examples, the Court is not persuaded this evidence comports with what it must consider. The government’s examples are all of groups being disarmed because the state viewed them as politically unreliable—England disarmed Catholics and nonconformist protestants, as did several early colonies. (*Id.* at 22–24). During the Revolutionary War, some states disarmed those who would not swear allegiance to the fledgling nation. (*Id.* at 25.) The Supreme Court has swept these examples outside the scope of consideration: at “the founding . . . state constitutions and the Second Amendment had largely eliminated governmental authority to disarm political opponents on this side of the Atlantic.” *Rahimi*, 602 U.S. at 694.

Instead, the Court will consider the second line of evidence put forth by the government: the harsh punishments historically imposed on convicted felons. In founding-era America, the standard punishment for a felony was death. (R. 17 at 30

n.16 (collecting relevant authorities from that era).) Other commonly imposed sentences were life in prison and forfeiture of all property, firearms included. (*Id.*) We do not execute felons with the same frequency as did founding-era America, preferring instead imprisonment for a term of years and disarmament. But, we face the same problem now that our country faced at its founding: certain members of society are judged to have demonstrated, through their past conduct, that they cannot be trusted to go armed. The defendant is among such individuals, having been twice convicted for burglary and once for robbery. (R. 15 at 2.) Founding-era America preferred to execute such people. We do not. The question then becomes, would the society that did carry out these executions have objected, on constitutional grounds, to not executing the defendant, but instead stripping him of his arms? That's unlikely. The harsh punishments doled out to felons in early America suggests that mere disarmament of the defendant is not inconsistent with this country's approach to convicted felons, and accordingly § 922(g)(1) does not run afoul of the Second Amendment as applied the defendant. To the extent the defendant nevertheless argues that § 922(g)(1) must be struck down because there were not analogous laws in early America, that is precisely the type of "law trapped in amber" analysis the Supreme Court cautioned against in *Rahimi*.

The defendant's motion to dismiss the indictment is denied.

Date: July 14, 2025



JEREMY C. DANIEL
United States District Judge