No. _____

IN THE
Supreme Court of the United States

STEPHEN JAY THORP,

PETITIONER,

v.

UNITED STATES OF AMERICA,

RESPONDENT.

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

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether 18 U.S.C. § 922(g)(1), which prohibits those with a felony conviction from possessing arms or ammunition, is constitutional as applied to everyone with a qualifying conviction, irrespective of individual circumstances?

PARTIES TO THE PROCEEDINGS

Petitioner (appellant below) is Stephen Jay Thorp.

Respondent (appellee below) is the United States of America.

RELATED PROCEEDINGS

Thorp v. United States, No. 26A241 (U.S. Aug. 25, 2026)

United States v. Thorp, No. 25-1152 (8th Cir. June 8, 2026)

United States v. Thorp, No. 4:22-cr-00419-SEP (E.D. Mo. Jan. 13, 2025)

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PETITION FOR WRIT OF CERTIORARI

Stephen Jay Thorp respectfully petitions the Court for a writ of certiorari to review the judgment of the United States Court of Appeals for the Eighth Circuit.

OPINION BELOW

The Eighth Circuit's opinion was unpublished. It is available on Westlaw at 2026 WL 1648823 and reprinted in the Appendix ("Pet. App.") at 1a-2a.

JURISDICTION

Petitioner invokes this Court's jurisdiction under 28 U.S.C. § 1254(1).

The Eighth Circuit had jurisdiction under 28 U.S.C. § 1291. It entered its opinion and judgment on June 8, 2026, Pet. App. 1a-2a, and Petitioner did not seek rehearing or en banc review. On August 25, 2026, Justice Kavanaugh granted Petitioner until November 5, 2026, to file this petition. Pet. App. 19a-20a. Therefore, the petition is timely under Sup. Ct. R. 13.

RELEVANT PROVISIONS

The **Second Amendment** states: "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."

18 U.S.C. § 922(g)(1) states, in relevant part: "It shall be unlawful for any person . . . who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year . . . to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce."

INTRODUCTION

The federal government bars any American with a felony conviction from possessing a firearm or ammunition. This prohibition kicks in regardless of the disqualifying offense's nature or age. And it never sunsets. From the moment of conviction, a person cannot legally carry a hunting rifle or hold a single bullet.

The Circuits have split over how, if at all, people can challenge this law under the Second Amendment. The Second, Fourth, Eighth, Ninth, Tenth, and Eleventh Circuits have slammed the courthouse doors, declaring this law constitutional in all applications. So for New Yorkers and Floridians, there is no such thing as an as-applied challenge to 18 U.S.C. § 922(g)(1) or the fifteen-year penalty that can come with it.

The First, Third, Fifth, Sixth, and Seventh Circuits have refused to bar all as-applied claims. Pennsylvanians and Texans can therefore argue that their disarmament clashes with our historical tradition of gun regulation. Yet confusion still reigns even in these Circuits, as different courts have developed different methods of resolving as-applied claims.

Petitioner's case implicates the split. Below, he repeatedly tried to challenge this law's application to him. But at all turns, he found individualized consideration foreclosed by Circuit precedent. That was so because his crime happened to occur to the west of the Mississippi River rather than the east. For thousands like him, this fundamental right is conditioned on the vagaries of geography. That state of affairs is untenable.

This Court should grant the petition to resolve the entrenched disagreement between the Circuits and provide certainty for defendants, prosecutors, and judges.

STATEMENT OF THE CASE

I. Legal Background

The Second Amendment codifies a pre-existing right to keep and bear arms. *District of Columbia v. Heller*, 554 U.S. 570, 592 (2008). We inherited this privilege from the Declaration of Rights, which in 1689 secured Protestant Englishmen the right to "have Arms for their Defence suitable to their Conditions, and as allowed by Law." *Id.* at 593.[1] The English became jealous of this right after the Stuarts disarmed their political opponents, even stripping entire regions of their arms. *Id.* at 592-93.

The Glorious Revolution did not end selective disarmament. Rather, it shifted it across the Atlantic. The Crown attempted to disarm disfavored people in its most rebellious colonies, provoking "polemical reactions by Americans[.]" *Id.* at 593-94. Those reactions culminated in a post-Revolution decision to establish more enduring protection than their forefathers had enjoyed. To that end, Americans amended their federal Constitution to flatly state that "the right of the people to keep and bear Arms, shall not be infringed." U.S. Const. amend. II.

With the Second Amendment as a backdrop, Founding-era legislatures avoided class-based disarmament. Notably absent were attempts to disarm those convicted of crimes: "Founding-era legislatures did not strip felons of the right to bear arms simply because of their status as felons." *Kanter v. Barr*, 919 F.3d 437, 451 (7th Cir. 2019) (Barrett, J., dissenting).

That tradition persisted for about a century and a half, until Congress pivoted during the New Deal. In 1938, it criminalized receipt of firearms by those with certain serious convictions. *See* Federal Firearms Act, Pub. L. 75-785, ch. 850, § 2(f), 52 Stat. 1250, 1251

[1] Petitioner omits all internal quotations or citations unless otherwise noted.

(1938). The Federal Firearms Act was much narrower than modern-day § 922(g)(1); it applied only to those who received an arm following conviction of a "crime of violence," defined as "murder, manslaughter, rape, mayhem, kidnaping, burglary, housebreaking" and certain aggravated assaults. *Id.* at § 1(6).

The New Frontier went further in the 60s. It prohibited receipt by anyone convicted of an offense "punishable by imprisonment for a term exceeding one year." *See* An Act to Strengthen the Federal Firearms Act, Pub. L. No. 87-342, § 2, 75 Stat. 757, 757 (1961). Lawmakers did not view this broader restriction as constitutionally suspect. They clung to the view that "the right to bear arms . . . relates only to the maintenance of the militia." Federal Firearms Act: Hearings Before the Subcomm. to Investigate Juvenile Delinquency of the Senate Comm. on the Judiciary, 89th Cong. 41 (1965) (statement of Attorney General Katzenbach). They thus embraced an "expansive legislative approach," *Lewis v. United States*, 445 U.S. 55, 61 (1980), to keep guns out of the hands of "potentially irresponsible persons, including convicted felons," *Barrett v. United States*, 423 U.S. 212, 220 (1976).

The Great Society took disarmament even further during a year that featured high-profile assassinations. Two weeks after Robert Kenney's shooting, Congress criminalized mere possession—not just receipt—of arms and ammunition by anyone with a felony prior. *See* Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. No. 90-351, § 1202(a)(1), 82 Stat. 197, 236.

For decades, that arrangement seemed settled.

Then *Heller* debunked the myth that the Second Amendment guarantees only a collective right to bear arms. *See* 554 U.S. at 595. By affirming an individual right, *Heller* seemingly called into question many modern-day restrictions. Yet *Heller* also emphasized

(in dicta) that "nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill[.]" 554 U.S. at 626. Calling those prohibitions "presumptively lawful," *id*. at 627 n.26, *Heller* assured readers that "there will be time enough to expound upon the historical justifications for the exceptions we have mentioned if and when those exceptions come before us." *Id.* at 635.

Fourteen years later, *New York State Rifle & Pistol Association, Inc. v. Bruen* adopted a two-step test to identify laws that unconstitutionally restrict Second Amendment rights. 597 U.S. 1, 17 (2022). At step one, courts consider whether the challenged law proscribes conduct that the Amendment's text protects. *Id*. If so, the government must "demonstrate that the regulation is consistent with this Nation's historical tradition of firearm regulation." *Id*. If the government fails to produce "relevantly similar" historical analogues, the challenged law is unconstitutional. *Id.* at 29.

This Court applied *Bruen* to a federal statute in *United States v. Rahimi*, 602 U.S. 680 (2024). *Rahimi* addressed 18 U.S.C. § 922(g)(8), which disarms people subject to a restraining order containing a finding that they present a "credible threat" to another's physical safety. *Id*. at 684. The majority found § 922(g)(8) facially constitutional, noting that two historical analogues (surety statutes and "going armed" laws) could be read together to establish that "[w]hen an individual poses a clear threat of physical violence to another, the threatening individual may be disarmed." *Id*. at 698.

Rahimi referenced *Heller's* dicta on presumptive lawfulness. *Id*. at 699. However, it did not address status-based provisions other than § 922(g)(8). *See id*. at 702 ("In *Heller*, *McDonald*, and *Bruen*, this Court did not undertake an exhaustive historical analysis . . . of the full scope of the Second Amendment. Nor do we do so today.") (ellipses in *Rahimi*).

Next came *United States v. Hemani*. In that case, the Court unanimously held that another federal disarmament law, § 922(g)(3), violated the Second Amendment as applied to a marijuana user. 608 U.S. 772, 794-95 (2026). *Hemani* rejected the government's theory that it could "automatically strip [a defendant] of his Second Amendment right to possess a firearm because he uses marijuana a few times a week." *Id*. at 794. Recognizing "[s]eismic changes" in our treatment of marijuana, the Court declined "to suggest that the millions of Americans who now regularly use marijuana are categorically and unusually dangerous." *Id.* at 793.

Notably, Justice Gorsuch's majority *Hemani* opinion did not dwell on the *Heller* dicta. It did, however, stress the decision's "narrow" nature and decline to "address 18 U.S.C. § 922(g)(1)'s provision disarming individuals convicted of felonies (often including drug-related ones)." *Id*. at 794.

II. Factual and Procedural History

In April 2022, law enforcement descended on a Randolph County, Missouri, home to serve arrest warrants on Petitioner. *See* Dist. Ct. Dkt. 148 at 2. At the time, Petitioner was on parole from a sentence he received for a 1998 murder conviction. *Id*.; Dist. Ct. Dkt. 4 at 1.

Agents commanded Petitioner to exit the residence; he stayed in. A standoff ensued. About four hours in, Petitioner fired three shots from a handgun while huddled in a bathroom. Dist. Ct. Dkt. 148 at 2. Those shots "traveled through the closed bathroom door and were found lodged in the interior wall of an adjacent bedroom." *Id*. No one else was inside, and no one was hurt.

As the siege dragged on for hours, Petitioner repeatedly threatened self-harm. He eventually gave up, crawled out of the house, and safely entered custody. *Id*.

There were consequences. The government charged Petitioner with (i) assaulting a federal officer with a deadly weapon; (ii) discharging a firearm in furtherance of that crime; and (iii) possessing a firearm despite prior felony convictions. Dist. Ct. Dkt. 2.

Petitioner moved to dismiss the possession count, Dist. Ct. Dkts. 52, 59, arguing that his prosecution under that count violated the Second Amendment. He acknowledged that Circuit precedent foreclosed this challenge. Dist. Ct. Dkt. 52, at 2. A Magistrate Judge recommended denying the motion on that basis, Pet. App. 6a-7a, and the District Court did so, Pet. App. 17a.

Petitioner proceeded to trial. His counsel conceded the possession count during her opening statement. Trial Tr. Vol. I, at 10. Yet Petitioner went on to vigorously contest the other two counts. He ultimately won over the jurors, who acquitted him of the charges related to the alleged assault. Dist. Ct. Dkt. 131.

Vindicated on everything but the possession count, Petitioner returned post-trial to the Second Amendment. This Court had vacated the Circuit precedent that foreclosed his challenge at the pretrial motion stage. Petitioner therefore briefed the matter anew. Across a forty-seven-page brief, he surveyed the relevant law and explained why his prosecution was inconsistent with the Nation's history of firearm regulation. *See* Dist. Ct. Dkt. 136.

Three days later—and just three days after the Eighth Circuit received the mandate vacating its prior precedent—a panel "again held that § 922(g)(1) was constitutional" in all instances "and that there was no need for felony-by-felony litigation." Dist. Ct. Dkt. 137, at 2. Petitioner thus conceded once more that the District Court could not reach the merits of his claims. *Id*. The District Court agreed. Pet. App. at 18a.

After a contested sentencing hearing, the District Court imposed a statutory-maximum sentence on the possession count. Dist. Ct. Dkt. 167. Petitioner appealed, challenging the reasonableness of that sentence while re-raising his foreclosed Second Amendment claim. *See* Pet. C.A. Br. at 12-20 (8th Cir. May 19, 2025). The constitutional claim failed, as it had twice before, under Circuit precedent. Pet. App. 1a-2a. Petitioner did not seek rehearing.

REASONS FOR GRANTING THE WRIT

I. Section 922(g)(1) continues to divide the circuits.

The circuits are split over the federal felon-in-possession statute. They disagree about whether defendants can attack that law as applied to them and, if so, how lower courts should evaluate those challenges. Unless this Court intervenes, consensus appears impossible; each side has marshalled this Court's case law to support its position, and all have dug in under the belief that historical tradition confirms their position.

A. Six Circuits have preemptively declared § 922(g)(1) constitutional in all its possible applications.

The Second, Fourth, Eighth, Ninth, Tenth, and Eleventh Circuits have held that § 922(g)(1) is constitutional in all applications. They each relied in large part on *Heller*'s dicta. *See Zherka v. Bondi*, 140 F.4th 68, 73, 93-96 (2d Cir. 2025), *cert. denied*, No. 25-269, 2026 WL 135708 (U.S. Jan. 20, 2026); *United States v. Hunt*, 123 F.4th 697, 703-05 (4th Cir. 2024), *cert. denied,* 145 S. Ct. 2756 (U.S. June 2, 2025); *United States v. Jackson*, 110 F.4th 1120, 1125-29 (8th Cir. 2024), *cert. denied*, 145 S. Ct. 2708 (U.S. May 19, 2025); *United States v. Duarte*, 137 F.4th 743, 750-52 (9th Cir. 2025) (en banc), *cert. denied*, No. 25-425, 2026 WL 135692 (U.S. Jan. 20, 2026); *Vincent v. Bondi*, 127 F.4th 1263, 1265-66 (10th Cir. 2025), *cert. denied,* 146 S. Ct. 1768 (U.S. Mar. 2, 2026); *United States v. Dubois*, 139 F.4th 887, 890-94 (11th Cir. 2025),

cert. denied, No. 25-6281, 2026 WL 135685 (U.S. Jan. 20, 2026). In these Circuits, the dicta has taken on an almost talismanic quality that short-circuits the *Bruen* analysis.

Vincent exemplifies this trend. There, the Tenth Circuit reasoned that its pre-*Bruen* case law "relied on *Heller*'s instruction that felon dispossession laws are presumptively valid" and remained good law after *Rahimi* "reaffirmed" that "instruction[.]" 127 F.4th at 1265. Without license to re-examine its precedent, the panel found itself bound to uphold § 922(g)(1) against any and all as-applied challenges. *Id.* at 1266; *see also Hunt*, 123 F.4th at 704 ("*Bruen* and *Rahimi* . . . provide no basis for a panel to depart from this Court's previous rejection of the need for any case-by-case inquiry about whether a felon may be barred from possessing firearms."); *Dubois*, 139 F.4th at 894 ("We require clearer instruction from the Supreme Court before we may reconsider the constitutionality of section 922(g)(1).").

Yet not all Circuits begin and end their analysis with *Heller*. The Second, Fourth, Eighth, and Ninth have attempted to apply some version of the *Bruen* test. *See Zherka,* 140 F.4th at 77-91; *Hunt*, 123 F.4th at 705-08; *Jackson*, 110 F.4th at 1126-29; *Duarte*, 137 F.4th at 755-62. At *Bruen* step two, these four cited pre- and post-Revolutionary laws which disarmed groups perceived as dangerous or non-law-abiding. As the Second Circuit explained in *Zherka*:

> English, American colonial, and early American histories abound with examples of laws demonstrating that legislatures had broad authority to regulate firearms, including by disarming large classes of people based on their status alone. Religious minorities, political dissenters, Native Americans, and persons of color were among the disfavored groups that historical legislatures disarmed based on a perception that persons in those categories were inherently dangerous or non-law-abiding.

140 F.4th at 85.

B. Five Circuits permit defendants to challenge this statute as applied to them.

In contrast, the First, Third, Fifth, Sixth, and Seventh Circuits have refused to foreclose as-applied claims. *See United States v. Levasseur*, ___ F.4th ____, 2026 WL 2731003, at *4 (1st Cir. 2026);[2] *Range v. Attorney General*, 124 F.4th 218, 232 (3d Cir. 2024) (en banc); *United States v. Diaz,* 116 F.4th 458, 470 n.4 (5th Cir. 2024), *cert. denied,* 145 S. Ct. 2822 (U.S. June 23, 2025); *United States v. Erick Williams*, 113 F.4th 637, 663-64 (6th Cir. 2024); *United States v. Watson*, 171 F.4th 1012, 1024-25 (7th Cir. 2026). Just two of them have found § 922(g)(1) unconstitutional as applied; yet all agree that recent decisions from this Court required them to take a "fresh look" at that law. *Watson*, 171 F.4th at 1017; *see also Levasseur*, 2026 WL 2731003 at *3 (applying "the two-step approach laid out in *Bruen* and its progeny" rather than relying on pre-*Bruen* Circuit precedent); *Range*, 124 F.4th at 225 (holding that *Bruen* abrogated prior Circuit precedent); *Diaz*, 116 F.4th at 465 (same); *Erick Williams*, 113 F.4th at 647-48 (same).

This fresh look has made a difference. Specifically, it has led the Circuits to find § 922(g)(1) unconstitutional as applied to people with a range of diverse convictions. *See, e.g.*, *Edward Williams v. Attorney General*, ___ F.4th, ____, 2026 WL 3059230, at *10 (3d Cir. 2026) (driving under the influence); *United States v. Hembree*, 165 F.4th 909, 918 (5th Cir. 2026), *cert. denied*, No. 25-1219, 2026 WL 2976154 (U.S. Oct. 5, 2026) (drug possession); *United States v. Cockerham*, 162 F.4th 500, 510 (5th Cir. 2025), *cert. denied*, 146 S. Ct. 2705 (U.S. June 8, 2026) (failure to pay child support); *United States v. Mitchell*, 160 F.4th 169, 194 (5th Cir. 2025), *cert.*

[2] Although the First Circuit declined the government's invitation to "eschew all as-applied challenges to § 922(g)(1)," it presumed the availability of as-applied challenges without deciding that issue. *Id*.

denied 146 S. Ct. 2800 (U.S. June 29, 2026) (unlawful possession of a controlled substance while possessing a firearm); *Range*, 124 F.4th at 232 (benefits fraud).

C. Those five Circuits cannot reach consensus on how to adjudicate as-applied challenges.

The split runs deeper still. Even those Circuits who permit as-applied challenges cannot agree about how to evaluate them.

Fifth Circuit has been clear about its approach: it focuses on the "nature of the predicate offense rather than on the defendant's broader criminal history or individual characteristics." *Cockerham*, 162 F.4th at 507; *see also United States v. Kimble*, 142 F.4th 308, 318 (5th Cir. 2025), *cert. denied*, 142 F.4th 308 (U.S. Jan. 20, 2026) ("The relevant consideration is a defendant's 'prior convictions that are punishable by imprisonment for a term exceeding one year,' not unproven conduct charged contemporaneously with a defendant's (g)(1) indictment or prior conduct that did not result in a felony conviction."). The First and Seventh Circuit also appear to use this approach. *See Levasseur*, 2026 WL 2731003 at *5 n.8; *Watson*, 171 F.4th at 1023-25.

In contrast, the Third and Sixth Circuits have held that courts must examine " 'each individual's specific characteristics,' which 'necessarily requires considering the individual's entire criminal record—not just the predicate offense for purposes of § 922(g)(1).'" *Pitsilides v. Barr*, 128 F.4th 203, 211 (3d Cir. 2025). There is thus a split-within-a-split: on one side, a "predicate-by-predicate approach," *United States v. Debrow*, 183 F.4th 402, 406 (5th Cir. 2026), and on the other a wide-ranging inquiry into "a convict's entire criminal history and post-conviction conduct indicative of dangerousness," *Pitsilides*, 128 F.4th at 211.

This extra layer of confusion and disparate treatment further strengthens the case for this Court's involvement.

D. Without intervention, division will only continue to grow.

To recap, six circuits have rendered § 922(g)(1) immune to Second Amendment challenges. Five circuits have kept an open mind toward as-applied challenges. And three of those five have developed robust methodologies for adjudicating as-applied claims, creating a second mini-split along the way.

The Circuits are nowhere close to finding consensus about whether, and how, litigants can challenge § 922(g)(1). Given the present gulf, these conflicts will not resolve absent this Court's intervention.

II. The decision below was wrong.

The Eighth Circuit decided Petitioner's appeal based on *Jackson*, an opinion that overreads *Heller* and misapplies *Bruen*.

Heller never purported to immunize § 922(g)(1) from review, yet *Jackson* intimated otherwise. *See* 110 F.4th at 1125 ("Given these assurances [in *Heller*], and the history that supports them, we conclude that there is no need for felony-by-felony litigation regarding the constitutionality of § 922(g)(1)."). That was wrong: "Making the leap from *presumptively* constitutional to *always* constitutional, like [*Jackson*] does, is too much for that overused line to bear, no matter how you read it." *United States v. Jackson*, 121 F.4th 656, 658 (8th Cir. 2024) (Stras, J., dissenting from the denial of rehearing en banc) (emphases in original). After all, "a measure can be presumptively constitutional and still have constitutionally problematic applications." *Id.*

Admittedly, *Jackson* did not rely solely on *Heller*; it purported to apply *Bruen*. However, its analysis was incomplete.

Bruen instructed courts to ask "how" and "why" a challenged regulation burdens the Second Amendment right to bear arms. *Rahimi*, 602 U.S. at 692 (explaining the *Bruen* test). Yet *Jackson* did not account for how severely § 922(g)(1) burdens that right. Indeed, *Jackson* failed to reckon with the law's defining feature: a *lifetime* ban on possessing *any* firearm, *without exception*.[3] *See Jackson*, 121 F.4th at 660 (Stras, J., dissenting). Such an extreme burden has no parallel in our tradition: as *Rahimi* noted, comparable disarmament laws were "of limited duration" and never permanent. 602 U.S. at 699.

Jackson also watered down *Bruen* step two, which looks at the "why" behind firearm restrictions. After examining historical analogues which targeted disfavored groups, *Jackson* concluded that "legislatures traditionally employed status-based restrictions to disqualify categories of persons from possessing firearms." 110 F.4th at 1129. By operating at such a high level of generality, *Jackson* gave "deference to Congress's blanket determination that a group numbering in the tens of millions and ranging from murderers to ketchup-bottle tamperers categorically presents an unacceptable risk of danger if armed.'" *Jackson*, 121 F.4th at 660 (Stras, J., dissenting) (cleaned up). Such deference threatens liberty, as each member of the Court acknowledged in *Rahimi*. *See* 602 U.S. at 772-73 (Thomas, J., dissenting) ("[The government] argues that the Second Amendment allows Congress to disarm anyone who is not 'responsible' and 'law-abiding.' Not a single Member of the Court adopts the Government's theory.").

[3] A statute, 18 U.S.C. § 925(c), allows those with a record to ask the Attorney General for a § 922(g)(1) reprieve. Congress failed to fund this program for "decades." *Erick Williams*, 113 F.4th at 661. The Executive Branch recently issued regulations aimed at reviving the program and has "offer[ed] optimism that once its proposed rules are finally effective (and, one imagines, judicially challenged), the floodgates of freedom will open." *Edward Williams*, 2026 WL 3059230 at *9. That may come to be. Yet for now, "speculation" and "future promises" are irrelevant. *Id*.

By failing to pay sufficient attention to "how" or "why," *Jackson* played fast and loose with our fundamental rights. And while this Court's jurisprudence has evolved, *Jackson* has not. Shortly after *Hemani*, the Eighth Circuit briskly stated that *Jackson* remains binding. *United States v. Torres*, 188 F.4th 1098, 1101 (8th Cir. 2026) ("This circuit precedent is undisturbed by the Supreme Court's recent decision in [Hemani]").

III. This issue impacts millions of Americans, and this petition presents a suitable vehicle for addressing it.

Confusion over § 922(g) is no minor thing, because that law is "no minor provision." *Rehaif v. United States*, 588 U.S. 225, 239 (2019) (Alito, J., dissenting). Tens of millions of Americans have felony priors. *See Jackson*, 121 F.4th at 657 (Stras, J., dissenting). The federal government bans them all from possessing firearms on pain of imprisonment.

The government prosecuted nearly 7,245 cases under § 922(g) in fiscal year 2025, and nearly 90% of those prosecutions were brought "because of a prior felony conviction." U.S. Sent'g Comm'n, *Quick Facts: 18 U.S.C. § 922(g) Firearms Offenses*, 1 (June 2026). Without certainty over § 922(g)(1)'s legality, many defendants will push review of their convictions. Since there is no indication that lower courts will resolve their disagreements on their own, litigation will slog on until this Court speaks definitively.

This case is the right vehicle to address whether 18 U.S.C § 922(g)(1) is susceptible to as-applied challenges. Petitioner raised a Second Amendment claim at each stage of his case, so there are no standard-of-review or preservation obstacles. He also put the government to its proof at trial, giving both sides a full and fair opportunity to air out all evidence they believed relevant to the Second Amendment inquiry. In addition, Petitioner did not object to the description of his criminal history in the Presentence Investigation Report, so there exists a clear and undisputed record of his individualized circumstances and criminal history.

Further, the issue is outcome-determinative, as Petitioner's current federal sentence resulted only from the disputed § 922(g)(1) count.

IV. If this case is not a suitable vehicle, the Court should hold the petition pending a decision in another case presenting a similar challenge.

The Court has another viable option: it can hold this petition pending disposition of a related challenge. Similar or related petitions appear on a recurring basis with seemingly no end in sight. A hold would thus promote judicial economy.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted this 30th day of October, 2026,

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