No. _____

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2026

WAYNE LAMAR DAVIS,	)
Petitioner,	)
v.	)
UNITED STATES OF AMERICA,	)
Respondent.	)

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

APPENDIX TO PETITION FOR A WRIT OF CERTIORARI

CHRISTOPHER GEORGE DELAUGHTER
CJA Counsel of Record for Petitioner
Law Office of Christopher DeLaughter, P.A.
506 N. Armenia Ave.
Tampa, FL 33609
Tel: (813) 467-9714
Fax: (813) 879-2610
Email: attorneydelaughter@gmail.com

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APPENDIX A

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 25-12191

Non-Argument Calendar

D.C. Docket No. 8:24-cr-00183-SDM-AAS-1

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
versus
WAYNE LAMAR DAVIS,
Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida

(Filed August 19, 2026)

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-12191
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

WAYNE LAMAR DAVIS,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:24-cr-00183-SDM-AAS-1

Before NEWSOM, ABUDU, and ANDERSON, Circuit Judges.

PER CURIAM:

Wayne Davis appeals from his conviction and sentence for possession of ammunition by a convicted felon, in violation of 18

U.S.C. §§ 922(g)(1) and 924(c). He argues that § 922(g)(1) is unconstitutional as applied to him, in light of the Supreme Court's decision in *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022). He also argues that his 210-month sentence is substantively unreasonable because the district court failed to properly weigh the 18 U.S.C. § 3553(a) factors.

His first argument fails because neither *Bruen* nor *United States v. Rahimi*, 602 U.S. 680 (2024), "abrogate[d] our holding in" *United States v. Rozier*, 598 F.3d 768 (11th Cir. 2010), "that section 922(g)(1) is constitutional under the Second Amendment." *United States v. Dubois*, 139 F.4th 887, 889 (11th Cir. 2025).[1]

His second argument fails because the district court did not abuse its discretion by imposing this within-guidelines sentence.[2] When determining the substantive reasonableness of a sentence we look to "the totality of the circumstances." *United States v. Pugh*, 515 F.3d 1179, 1191 (11th Cir. 2008) (quoting *Gall*, 552 U.S. at 51). We ordinarily expect that a sentence within the guidelines range is a reasonable one. *United States v. Dorsey*, 554 F.3d 958, 962 (11th Cir. 2009). Although district courts are required to consider all the factors enumerated in § 3553(a), they need not weigh all factors equally. *United States v. Grushko*, 50 F.4th 1, 19 (11th Cir. 2022). A

[1] We review the constitutionality of a statute de novo. *United States v. Gruezo*, 66 F.4th 1284, 1292 (11th Cir. 2023).

[2] We generally apply "the familiar abuse-of-discretion standard" when reviewing the substantive reasonableness of a sentence. *Gall v. United States*, 552 U.S. 38, 46 (2007).

court "may give greater weight to some factors over others or even attach great weight to a single factor—a decision that is within its sound discretion." *Id.* Further, a "district court does not need to discuss or state each factor explicitly." *United States v. Gonzalez*, 550 F.3d 1319, 1324 (11th Cir. 2008).

Here, the district court properly weighed the sentencing factors to arrive at its within-guidelines sentence. Davis had a loaded gun and narcotics in his vehicle, resisted arrest, physically assaulted an officer, and fled with the loaded firearm through an elementary school parking lot and residential neighborhood. Considering all that alongside Davis's extensive criminal history—including, among other offenses, resisting arrest, robbery with a deadly weapon, and conspiracy to possess with intent to distribute cocaine—the district court did not abuse its discretion in weighing the aggravators more heavily than Davis's mitigating evidence, such as his age, the age of his prior convictions, and his letters of support.

AFFIRMED.

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

August 19, 2026

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 25-12191-CC
Case Style: USA v. Wayne Davis
District Court Docket No: 8:24-cr-00183-SDM-AAS-1

Opinion Issued
Enclosed is a copy of the Court's decision issued today in this case. Judgment has been entered today pursuant to FRAP 36. The Court's mandate will issue at a later date pursuant to FRAP 41(b).

Petitions for Rehearing
The time for filing a petition for panel rehearing or rehearing en banc is governed by 11th Cir. R. 40-2. Please see FRAP 40 and the accompanying circuit rules for information concerning petitions for rehearing. The Court has proposed amending 11th Cir. R. 40-1 (Number of Copies) to no longer require paper copies of a petition for panel rehearing or a petition for rehearing en banc. Based on the proposed amendment, other than an original petition filed in paper by a non-electronic filer, **parties are asked not to submit any paper copies** of a petition for panel rehearing or a petition for rehearing en banc.

Costs
No costs are taxed.

Bill of Costs
If costs are taxed, please use the most recent version of the Bill of Costs form available on the Court's website at www.ca11.uscourts.gov. For more information regarding costs, see FRAP 39 and 11th Cir. R. 39-1.

Attorney's Fees
The time to file and required documentation for an application for attorney's fees and any objection to the application are governed by 11th Cir. R. 39-2 and 39-3.

Appointed Counsel
Counsel appointed under the Criminal Justice Act (CJA) must submit a voucher claiming compensation via the eVoucher system no later than 45 days after issuance of the mandate or the filing of a petition for writ of certiorari. Please contact the CJA Team at (404) 335-6167 or

cja_evoucher@ca11.uscourts.gov for questions regarding CJA vouchers or the eVoucher system.

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

OPIN-1 Ntc of Issuance of Opinion

APPENDIX B

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
WAYNE LAMAR DAVIS,
Defendant.

CASE NO. 8:24-cr-183-SDM-AAS
(Doc. 39)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

v. CASE NO. 8:24-cr-183-SDM-AAS

WAYNE LAMAR DAVIS,
_____/

ORDER

An indictment (Doc. 1) charges Wayne Lamar Davis with possession of ammunition by a felon in violation of 18 U.S.C. § 922(g)(1). Davis moves (Doc. 37) to dismiss the indictment and argues that as applied to Davis Section 922(g)(1) violates the Second Amendment. Davis concedes that his argument fails under *United States v. DuBois*, 94 F.4th 1284 (11th Cir. 2024), and presents the argument only to preserve the issue for appeal. Because binding precedent compels the conclusion that Section 922(g)(1) remains constitutional, the motion (Doc. 37) to dismiss the indictment is **DENIED**.

ORDERED in Tampa, Florida, on December 27, 2024.

STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE

APPENDIX C:

Judgment of the United States Court of Appeals for the Eleventh Circuit (No. 25-12191), Entered August 19, 2026

In the

United States Court of Appeals

For the Eleventh Circuit

No. 25-12191

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

WAYNE LAMAR DAVIS,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:24-cr-00183-SDM-AAS-1

JUDGMENT

It is hereby ordered, adjudged, and decreed that the opinion issued on this date in this appeal is entered as the judgment of this Court.

Entered: August 19, 2026

For the Court: DAVID J. SMITH, Clerk of Court

APPENDIX D

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution, Amendment II

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.

Title 18, United States Code, Section 922(g)(1)

It shall be unlawful for any person—
(1) 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.