
NO. _____

IN THE

Supreme Court of the United States

_____ TERM, 20__

Buay Kong Chuol - Petitioner,

vs.

United States of America - Respondent.

APPENDIX TO PETITIONER'S APPLICATION FOR EXTENSION OF TIME
WITHIN WHICH TO FILE FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

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Opinion of the Eighth Circuit Court of Appeals	1
Judgment of the Eighth Circuit Court of Appeals	3

United States Court of Appeals
For the Eighth Circuit

No. 25-1508

United States of America

Plaintiff - Appellee

v.

Buay Kong Chuol

Defendant - Appellant

Appeal from United States District Court
for the Southern District of Iowa - Central

Submitted: January 12, 2026

Filed: April 15, 2026

[Unpublished]

Before LOKEN, ARNOLD, and GRUENDER, Circuit Judges.

PER CURIAM.

Buay Kong Chuol sought to dismiss a charge of unlawful possession of a firearm as an unlawful user of a controlled substance under 18 U.S.C. § 922(g)(3) on the basis that the statute is unconstitutional under the Second Amendment.

The district court¹ denied his motion, and Chuol entered a conditional guilty plea preserving his right to appeal that decision.

On appeal, Chuol contends that the district court should have dismissed the firearm charge on the sole ground that § 922(g)(3) is facially unconstitutional under *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022). Choul acknowledges that we rejected that argument in *United States v. Veasley*, 98 F.4th 906 (8th Cir. 2024), *cert. denied*, 145 S. Ct. 304 (2024), but asks that we overrule that decision. We cannot do so. *Mader v. United States*, 654 F.3d 794, 800 (8th Cir. 2011) (en banc) (“It is a cardinal rule in our circuit that one panel is bound by the decision of a prior panel.”).

Accordingly, we affirm the judgement of the district court.

¹The Honorable Stephen H. Locher, United States District Judge for the Southern District of Iowa.

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No. 25-1508

United States of America

Plaintiff - Appellee

v.

Buay Kong Chuol

Defendant - Appellant

Appeal from U.S. District Court for the Southern District of Iowa - Central
(4:24-cr-00046-SHL-1)

JUDGMENT

Before LOKEN, ARNOLD, and GRUENDER, Circuit Judges.

This appeal from the United States District Court was submitted on the record of the district court and briefs of the parties.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in accordance with the opinion of this Court.

April 15, 2026

Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

Adopted April 15, 2015
Effective August 1, 2015

Revision of Part V of the Eighth Circuit Plan to Implement the Criminal Justice Act of 1964.

V. Duty of Counsel as to Panel Rehearing, Rehearing En Banc, and Certiorari

Where the decision of the court of appeals is adverse to the defendant in whole or in part, the duty of counsel on appeal extends to (1) advising the defendant of the right to file a petition for panel rehearing and a petition for rehearing en banc in the court of appeals and a petition for writ of certiorari in the Supreme Court of the United States, and (2) informing the defendant of counsel's opinion as to the merit and likelihood of the success of those petitions. If the defendant requests that counsel file any of those petitions, counsel must file the petition if counsel determines that there are reasonable grounds to believe that the petition would satisfy the standards of Federal Rule of Appellate Procedure 40, Federal Rule of Appellate Procedure 35(a) or Supreme Court Rule 10, as applicable. *See Austin v. United States*, 513 U.S. 5 (1994) (per curiam); 8th Cir. R. 35A.

If counsel declines to file a petition for panel rehearing or rehearing en banc requested by the defendant based upon counsel's determination that there are not reasonable grounds to do so, counsel must so inform the court and must file a written motion to withdraw. The motion to withdraw must be filed on or before the due date for a petition for rehearing, must certify that counsel has advised the defendant of the procedures for filing *pro se* a timely petition for rehearing, and must request an extension of time of 28 days within which to file *pro se* a petition for rehearing. The motion also must certify that counsel has advised the defendant of the procedures for filing *pro se* a timely petition for writ of certiorari.

If counsel declines to file a petition for writ of certiorari requested by the defendant based on counsel's determination that there are not reasonable grounds to do so, counsel must so inform the court and must file a written motion to withdraw. The motion must certify that counsel has advised the defendant of the procedures for filing *pro se* a timely petition for writ of certiorari.

A motion to withdraw must be accompanied by counsel's certification that a copy of the motion was furnished to the defendant and to the United States.

Where counsel is granted leave to withdraw pursuant to the procedures of *Anders v. California*, 386 U.S. 738 (1967), and *Penson v. Ohio*, 488 U.S. 75 (1988), counsel's duty of representation is completed, and the clerk's letter transmitting the decision of the court will notify the defendant of the procedures for filing *pro se* a timely petition for panel rehearing, a timely petition for rehearing en banc, and a timely petition for writ of certiorari.