United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Argued November 10, 2025 Decided August 21, 2026

No. 24-3151

UNITED STATES OF AMERICA,
APPELLEE

v.

GARRICK D. RICHARDSON,
APPELLANT

Appeal from the United States District Court
for the District of Columbia
(No. 1:23-cr-00200-1)

Courtney L. Millian, Assistant Federal Public Defender, argued the cause for appellant. With her on the briefs was *A. J. Kramer*, Federal Public Defender. *Tony Axam Jr.*, Assistant Federal Public Defender, entered an appearance.

Katie Hurrelbrink was on the brief for *amici curiae* National Association for Public Defense & Federal Defenders of San Diego Inc. in support of appellant.

William A. Glaser, Attorney, U.S. Department of Justice, argued the cause for appellee. On the brief were *Jeanine Ferris*

Pirro, U.S. Attorney, *Chrisellen R. Kolb*, Chief, Appellate Division, and *Joshua K. Handell*, Attorney.

Brian L. Schwalb, Attorney General, Office of the Attorney General for the District of Columbia, *Caroline S. Van Zile*, Solicitor General, *Ashwin P. Phatak*, Principal Deputy Solicitor General, *Thais-Lyn Trayer*, Deputy Solicitor General, and *Marcella Coburn*, Assistant Attorney General, were on the brief for *amicus curiae* the District of Columbia in support of appellee.

Before: KATSAS and PAN, *Circuit Judges*, and GINSBURG, *Senior Circuit Judge*.

Opinion for the Court filed by *Circuit Judge* KATSAS.

KATSAS, *Circuit Judge*: This appeal presents a Second Amendment challenge to 18 U.S.C. § 922(g)(1), which prohibits convicted felons from possessing firearms. We hold that section 922(g)(1) is constitutional as applied to felons who are still under supervision as part of a criminal sentence at the time of their 922(g)(1) offense.

I

A

The Second Amendment provides that "the right of the people to keep and bear Arms, shall not be infringed." In *District of Columbia v. Heller*, 554 U.S. 570 (2008), the Supreme Court held that the Amendment protects an individual right to possess firearms. The Court explained that the Amendment codified a pre-existing right that was "not unlimited." *Id.* at 626. The Court stressed that "the right was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose." *Id.* And it declined to "cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill," which it described as "presumptively lawful." *Id.* at 626–27 & n.26.

After *Heller*, this Court adopted a "two-step approach" for evaluating the constitutionality of firearms restrictions. *Heller v. District of Columbia*, 670 F.3d 1244, 1252 (D.C. Cir. 2011). First, we considered whether the restriction fell within the literal terms of the Second Amendment; if not, we evaluated it only under rational-basis scrutiny. *See id.* Second, for restrictions falling within the scope of the Amendment, we applied some form of heightened, means-end constitutional scrutiny. For regulations imposing a "substantial" burden on the core Second Amendment right, we applied strict scrutiny. *Id.* at 1257. And for regulations imposing a "less substantial" burden, we applied intermediate scrutiny. *Id.* at 1257–59. Either way, we assessed the strength of the government's interest in restricting the use of firearms and the degree to which the regulation at issue advanced that interest. *See id.* Our approach tracked that of many other courts of appeals. *See id.* at 1252 (collecting authorities). In the years following *Heller*, we applied this approach repeatedly. *See*, *e.g.*, *Wrenn v. District of Columbia*, 864 F.3d 650, 657 (D.C. Cir. 2017); *Schrader v. Holder*, 704 F.3d 980, 989–91 (D.C. Cir. 2013).

In *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1 (2022), the Supreme Court rejected the "'two-step' framework … that combines history with means-end scrutiny." *Id.* at 17. Instead, the Court adopted its own two-step framework keyed to text and history. First, courts must determine whether the conduct at issue falls within the Second Amendment's "plain text"; if so, then the Amendment "presumptively protects" it. *Id.* Second, to sustain a restriction on such textually covered conduct, "the government must demonstrate that the regulation is consistent with this Nation's historical tradition of firearm regulation." *Id.* This historical analysis focuses on "the principles that underpin our regulatory tradition." *United States v. Rahimi*, 602 U.S. 680, 692 (2024). So, it "will often involve reasoning by analogy" to asserted historical analogues, *Bruen*, 597 U.S. at 28–29, which are "old legal rules from which a court may draw a strong inference that the modern law at issue is consistent with the codified right," *Wolford v. Lopez*, 146 S. Ct. 2032, 2044 (2026). Under this approach, we must consider whether the historical analogue was both widely accepted and "relevantly similar to the modern law." *Id.* (cleaned up).

Relevant similarity turns on "how and why" the modern and historical regulations burden the right to keep and bear arms. *Bruen*, 597 U.S. at 29. If "modern and historical regulations impose a comparable burden on the right" and if both are "comparably justified," then the modern regulation is likely constitutional. *Id.* The analogy "must be close enough to enable a court to say: Because this historical law was understood to be compatible with the right codified by the Second Amendment, we can infer that the restriction imposed by the modern law is likewise consistent with that right." *Wolford*, 146 S. Ct. at 2044 (cleaned up). So, "analogical reasoning under the Second Amendment is neither a regulatory straightjacket nor a regulatory blank check." *Bruen*, 597 U.S. at 30. Instead, it "requires only that the government identify a well-established and representative historical *analogue*, not a historical *twin*." *Id.*; *see also Rahimi*, 602 U.S. at 691 (*Heller* and *Bruen* "were not meant to suggest a law trapped in amber").

B

Section 922(g)(1) of Title 18 is among the most prominent federal firearm restrictions. That provision, generally known as the felon-in-possession statute, makes it unlawful for any person who has been convicted of a "crime punishable by imprisonment for a term exceeding one year" to possess a firearm.

Before *Bruen* clarified the decisive role of text and history in Second Amendment cases, this Court twice considered the constitutionality of section 922(g)(1). In *Schrader*, we used intermediate scrutiny to uphold section 922(g)(1) as applied to individuals convicted of predicate assault-and-battery offenses classified as misdemeanors under state law. *See* 704 F.3d at 989–91. And in *Medina v. Whitaker*, 913 F.3d 152 (D.C. Cir. 2019), we upheld section 922(g)(1) as applied to the felony offense of misrepresenting income on a mortgage application. *See id.* at 154. We mentioned our then-prevailing standard of intermediate scrutiny, *id.* at 155–56, but we rested our analysis entirely on historical traditions of felon disarmament without reaching any question of means-end balancing, *id.* at 157–61. We upheld section 922(g)(1) regardless of the dangerousness of the individual felon, *id.* at 159, while still reserving a possible exception for sufficiently "minor or regulatory" predicate offenses, *id.* at 160.

II

The District of Columbia makes it a crime, punishable by up to five years in prison, to carry a pistol outside the home without a license. D.C. Code § 22-4504(a)(1). Garrick Richardson has twice been convicted of violating this law, in 2018 and 2022. For the latter offense, a judge on the D.C. Superior Court sentenced Richardson to 15 months in prison and three years of supervised release. *See* D.C. Super. Ct. 2022 CF2 001516, Judgment & Commitment Order (May 24, 2022). However, the judge suspended the sentence and instead imposed one year of "supervised probation." *See id.* Under

D.C. law, that term of probation was a "substitute" punishment for Richardson's underlying offense. *Jones v. United States*, 401 A.2d 473, 476–77 (D.C. 1979); *see* D.C. Code § 16-710.

While still under supervised probation, Richardson violated section 922(g)(1). Richardson acknowledges that he knowingly possessed a firearm on May 13, 2023. According to the government, the firearm was stolen and modified to permit fully automatic firing, and Richardson brandished the firearm during a shootout in a parking garage.

A federal grand jury indicted Richardson under section 922(g)(1). Richardson moved to dismiss the indictment on the ground that section 922(g)(1) violates the Second Amendment on its face and as applied to his individual case. Richardson argued that *Bruen* displaced *Medina* and that section 922(g)(1) is unconstitutional under *Bruen*. The district court disagreed, held that *Medina* remains good law, and rejected Richardson's Second Amendment challenge under *Medina*. *United States v. Richardson*, No. 23-cr-200-1, 2024 WL 402948 (D.D.C. Feb. 2, 2024). Richardson then pleaded guilty but reserved his right to appeal the denial of his motion to dismiss. The district court accepted the plea and sentenced Richardson to 40 months of imprisonment followed by three years of supervised release.

Richardson appealed. He argues that section 922(g)(1) is unconstitutional on its face and as applied here. He preserved this constitutional challenge below, so our review is *de novo*. *United States v. Popa*, 187 F.3d 672, 674–75 (D.C. Cir. 1999).

III

The parties urge us to render a sweeping ruling on the constitutionality of lifetime felon disarmament. Richardson contends that *Bruen* eviscerated *Medina* and that the government has proven no historical tradition that is both widely established and relevantly similar to section 922(g)(1). Richardson concludes that section 922(g)(1) is therefore unconstitutional on its face—*i.e.*, that it violates the Second Amendment in every possible application—and certainly as applied in his case. For its part, the government responds that *Medina* remains good law and that, in any event, there was a widespread historical tradition of lifetime felon disarmament. The government concludes that section 922(g)(1) is therefore constitutional in every possible application—and certainly as applied to Richardson. Our sister circuits are deeply divided on whether pre-*Bruen* precedents upholding section 922(g)(1) remain good law and on whether lifetime felon disarmament is constitutional absent some individualized inquiry into whether the individual felon is dangerous. *Compare*, *e.g.*, *Zherka v. Bondi*, 140 F.4th 68, 74–75 (2d Cir. 2025), *and United States v. Dubois*, 139 F.4th 887, 888–89 (11th Cir. 2025), *with Range v. Att'y Gen.*, 124 F.4th 218, 225 (3d Cir. 2024) (en banc), *and United States v. Williams*, 113 F.4th 637, 645–48 (6th Cir. 2024). On plain-error review, we have held it not "obvious" that *Bruen* displaces *Medina*. *United States v. Johnson*, 158 F.4th 200, 203 (D.C. Cir. 2025). More recently, we held in an unpublished judgment that *Bruen* does not displace *Medina*. *United States v. Griffith*, No. 25-3023 (D.C. Cir. July 31, 2026). Neither of these decisions binds us on the question presented here. *See In re Grant*, 635 F.3d 1227, 1232 (D.C. Cir. 2011).

We decline to engage with the broadest arguments pressed by both sides. Instead, we assume that *Medina* does not resolve this case as a matter of precedent. And we assume that section 922(g)(1) restricts conduct within the literal terms of the Second Amendment. Nonetheless, we rule for the government on this narrow ground: There is a widespread historical tradition of disarming felons still serving their criminal sentences, and section 922(g)(1), as applied to such felons, falls comfortably within it.[1]

A

At the Founding, there was a widespread tradition of disarming convicted felons serving the most common types of sentences for a wide range of criminal offenses.

Start with the obvious: Felons were disarmed while imprisoned. Those sentenced to death suffered civil death, a legal status involving the loss of *all* rights while in prison awaiting execution. 4 Blackstone, *Commentaries* *373–74; *see also Kanter v. Barr*, 919 F.3d 437, 458–59 (7th Cir. 2019) (Barrett, J., dissenting). Those sentenced to a term of imprisonment rather than death had their rights "*suspended* during the term of the sentence." *Kanter*, 919 F.3d at 461 (Barrett, J., dissenting). Regardless, imprisonment plainly "involved disarmament." *Rahimi*, 602 U.S. at 772 (Thomas, J., dissenting). And at common law, it was a crime to provide arms to prisoners. 4 Blackstone, *Commentaries* *131.

Many Founding-era laws also temporarily disarmed felons by imposing forfeitures as an element of punishment. Some of these forfeitures covered all the felon's property—including firearms. For example, Pennsylvania required such a forfeiture for "robbery, burglary, sodomy or buggery," An Act to Reform

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[1] The government briefly raises several threshold, assertedly textual arguments at step one of *Bruen*. It contends that protected "[a]rms" include neither stolen guns nor fully automatic machine-guns and that the right to "keep and bear" arms does not encompass a right to brandish them for unlawful purposes. We do not consider whether these arguments are textual or historical ones under *Bruen*, or whether any of them has merit.

the Penal Laws of this State, ch. 565 § 2, 1790 Pa. Laws 801–02 (Apr. 5, 1790); for counterfeiting, An Act More Effectually to Prevent Counterfeiting, ch. 869 § 2, 1779 Pa. Laws 244 (Nov. 26, 1779); and for certain anti-competitive practices in the Philadelphia market, An Act for the Regulation of the Markets in the City of Philadelphia, ch. 110 §§ 2, 6, 1779 Pa. Laws 210–11 (Apr. 5, 1779). Massachusetts required such forfeiture for treason, An Act Against Treason, ch. 32, 1777 Mass. Acts 107 (Feb. 1, 1777), and for rioting, Riot Act, ch. 8, 1786 Mass. Laws 503 (Oct. 28, 1786). New York required such forfeiture for any felony. Acts of Feb. 1788, *reprinted in* 2 Laws of the State of New York Passed at the Sessions of the Legislature 1785–1788, at 632–33, 664–66 (1886). Maryland required it for counterfeiting, An Act for Punishment of Such as Shall Counterfeit, ch. 8, 1717 Md. Laws 139 (May 1717), as well as for embezzlement and fraudulently altering wills, An Act Against Embezzlement of Wills or Records, ch. 11, 1715 Md. Laws 78–79 (Apr. 1715).

Other forfeiture provisions specifically targeted firearms. For example, New York required forfeiture of arms for assisting British forces during the Revolution. Resolutions of Sept. 1, 1775, 1 *Journals of the Provincial Congress, Provincial Convention, Committee of Safety and Council of Safety of the State of New-York* 132 (T. Weed ed., 1842). Connecticut required forfeiture of arms for seditious libel. Act of Dec. 1775, *The Public Records of the Colony of Connecticut From May, 1775 to June 1776* 193 (C. Hoadly ed., 1890). Virginia required forfeiture of arms for breaching the peace. An Act Forbidding and Punishing Affrays, ch. 49, 1786 Va. Acts 35 (Oct. 16, 1786). And Kentucky required forfeiture of arms for appearing "with force and arms" before a court. An Act to Amend the Penal Laws of this Commonwealth, ch. 67 § 33, 1801 Ky. Laws 136 (Dec. 19, 1801).

Finally, Founding-era laws temporarily disarmed felons subject to supervision other than through ordinary imprisonment. In perhaps the closest eighteenth-century equivalent to parole, Massachusetts imposed forfeitures to disarm the rebels of Shays' Rebellion for a term of three years. Disqualifying Act, ch. 6, 1787 Mass. Laws 555–57 (Feb. 16, 1787). The State conditionally pardoned rebels who promised to "keep the peace" for three years. *Id.* For that term, the rebels had to surrender their firearms and submit to monitoring by local officials. *Id.* If the rebels broke the terms of their pardon, they stood exposed to the charge of treason. *Id.* If not, they could recover their firearms after three years. *Id.* Other States imposed estate forfeiture to temporarily disarm individuals sentenced to terms of impressment, An Act for Preventing the Forgery of Certain Warrants and Certifications, ch. 11 § 1, 1777 Va. Laws 55 (May 5, 1777), or to terms of service at state workhouses, Act Against Counterfeiting Bills of Public Credit, Coins, or Currencies, 1779 Vt. Laws 93 (Feb. 1779).

Collectively, these laws reveal a widespread, Founding-era practice regarding firearms restrictions: Felons could be temporarily disarmed while serving their criminal sentences, including supervision and monitoring.

B

In light of this history and tradition, section 922(g)(1) is constitutional as applied to individuals who, like Richardson, are under supervision as part of a felony sentence. For one thing, the historical disarmaments and section 922(g)(1) share the same core justification. As explained above, historical disarmaments arose by application of forfeiture laws imposed as punishment for a wide range of felonies. So, like all criminal punishments, they served "to deter" criminal conduct and also "to reform" and "restrain[]" criminal offenders. 1790 Pa. Laws

801–02; *see*, *e.g.*, *Esteras v. United States*, 606 U.S. 185, 192 (2025); *Ewing v. California*, 538 U.S. 11, 25 (2003). Section 922(g)(1) likewise disarms felons as a legal consequence of criminal activity, and it does so to deter future criminal activity. *See Huddleston v. United States*, 415 U.S. 814, 824 (1974); *United States v. Jackson*, 110 F.4th 1120, 1128 (8th Cir. 2024). Richardson contends that any justification for disarming felons must turn on an individualized assessment of dangerousness. But although such an individualized assessment may suffice to justify disarmament, *see Rahimi*, 602 U.S. at 698–99, nothing in *Bruen* forecloses other traditionally-grounded bases for disarmament. And as shown above, the robust historical tradition of disarming felons while they serve their sentences extended beyond violent crimes to non-violent offenses such as counterfeiting, embezzlement, forgery, seditious libel, and anti-competitive practices.

For another, as applied to individuals serving criminal sentences, section 922(g)(1) imposes a burden comparable to these historical forfeiture provisions—disarmament for the term of the sentence. To be sure, the historical forfeiture provisions did not bar felons from reacquiring arms after completing their sentences, whereas section 922(g)(1) on its face disarms felons for life. But this case involves a disarmament imposed while Richardson remained under supervision as part of his criminal sentence. In resolving Richardson's as-applied challenge, we consider the pertinent facts underlying his individual case. *See*, *e.g.*, *United States v. Moore*, 111 F.4th 266, 272–73 (3d Cir. 2024); *United States v. Veasley*, 98 F.4th 906, 909 (8th Cir. 2024). And because there is no Second Amendment overbreadth doctrine, Richardson gets no mileage from the possibility that section 922(g)(1) may be unconstitutional as applied to other felons who have finished serving their sentences. *See Rahimi*, 602 U.S. at 701 & n.2 (citing *United States v. Salerno*, 481 U.S. 739, 745 (1987)). To be clear, we do not address the constitutionality of section 922(g)(1) as applied to such other felons. We do not even address whether Richardson, after serving his various criminal sentences, may have a viable Second Amendment claim against the continued application of section 922(g)(1) at that juncture. All we conclude is that Richardson's conviction under section 922(g)(1), for possessing a firearm while still under supervision as part of a criminal sentence, fits comfortably within the historical tradition of temporary disarmament detailed above.

Furthermore, it makes no difference that Richardson's sentence was non-custodial. We recognize that non-custodial punishment, such as supervised release or parole, is largely a modern creation. "Supervised release was not instituted until 1984, and parole was unknown until the 19th century." *United States v. Haymond*, 588 U.S. 634, 677 (2019) (Alito, J., dissenting); *see also* Fish, The Constitutional Limits of Criminal Supervision, 108 Cornell L. Rev. 1375, 1386–87 (2023). Nonetheless, supervised release is imposed "as a part of the sentence," 18 U.S.C. § 3583(a); *see Mont v. United States*, 587 U.S. 514, 523–24 (2019), which is why felons have greatly diminished rights while serving terms of supervised release, *see*, *e.g.*, *Samson v. California*, 547 U.S. 843, 854–55 (2006); *Gall v. United States*, 552 U.S. 38, 48–49 (2007). So too with probation, which, "like incarceration, is a form of criminal sanction imposed by a court upon an offender after verdict, finding, or plea of guilty." *United States v. Knights*, 534 U.S. 112, 119 (2001) (cleaned up). District of Columbia law, which governs Richardson's predicate felony offense, recognizes these same basic principles. *See United States v. Facon*, 288 A.3d 317, 330 (D.C. 2023) (a "term of supervised release is imposed at the outset as part of the original sentence"); *D.C. Metro. Police Dep't v. Porter*, 332 A.3d 534, 548–49 (D.C. 2025) (same for probation).

Moreover, disarming serves the same purposes regardless of whether it is imposed during terms of incarceration or non-custodial supervision. For one thing, it serves the same punitive, deterrent, and rehabilitative purposes as do criminal punishments generally. Even more importantly, firearms in the hands of incarcerated or supervised felons alike "present a special danger of misuse." *Rahimi*, 602 U.S. at 698; *accord Samson*, 547 U.S. at 853. Specifically, disarmament protects the officers charged with monitoring the felon during the custodial or non-custodial term of his sentence. *See Bell v. Wolfish*, 441 U.S. 520, 546–47 (1979); *Griffin v. Wisconsin*, 483 U.S. 868, 875 (1987). It is thus unsurprising that Founding-era forfeiture laws seemed to extend to non-custodial sentences of the time, such as they were, as reflected in examples such as the Massachusetts law regarding punishment for Shays' Rebellion. And the small number of such forfeiture laws in the context of non-custodial sentences, reflecting the relatively small number of non-custodial sentences, does not support artificially restricting the relevant tradition to the context of custodial sentences. To the contrary, "when the modern law addresses a situation that could not have arisen" at the Founding, or could have arisen only relatively rarely, "it is too much to demand" something approaching a "historical *twin*." *Wolford*, 146 S. Ct. at 2045 (quoting *Bruen*, 597 U.S. at 30).

In any event, the unquestionably clear tradition supporting disarmament during a custodial sentence by itself supports disarmament during a term of supervision. In *Rahimi*, the Court held that a historical tradition of imprisoning those who used weapons to threaten others supported the constitutionality of 18 U.S.C. § 922(g)(8), which disarms individuals adjudicated to be a "credible threat to the physical safety of [an] intimate partner." The Court reasoned that, if imprisonment for using guns to threaten others is constitutional, then so too is "the lesser restriction of temporary disarmament." 602 U.S. at 699. The same reasoning applies here: If disarmament during a term of incarceration is constitutional, then so too is disarmament during a term of non-custodial supervision.

To be sure, some greater-includes-the-lesser arguments are problematic in the Second Amendment context. For example, because the Constitution no longer permits execution for counterfeiting, it is perhaps awkward to contend that the greater historical power to execute counterfeiters implies the lesser power to disarm them for life. *See Kanter*, 919 F.3d at 461–62 (Barrett, J., dissenting). *But cf. Medina*, 913 F.3d at 158 ("it is difficult to conclude that the public, in 1791, would have understood [felons] facing death and estate forfeiture to be within the scope of those entitled to possess arms"). And though the Constitution still permits the execution of murderers, no one claims that this greater power supports the lesser power of preventing a convicted murderer from keeping a Bible while awaiting execution. But here, the greater power is unexceptional: There would be no constitutional problem with imprisoning Richardson for one year for his felony conviction and disarming him during that period. Moreover, as explained above, disarmament during custodial and non-custodial sentences serves largely the same purposes. And although the need for self-defense might be greater outside the prison context than inside, *cf. DeShaney v. Winnebago County*, 489 U.S. 189, 199–200 (1989), Founding-era disarmament imposed a still greater burden: There were "no police forces" at the time, which meant that "survival" could even more "depend on the availability of a firearm," *Wolford*, 146 S. Ct. at 2042. Given all this, it is hard to see how a one-year term of disarmament, unquestionably constitutional if imposed during a term of imprisonment, could somehow become unconstitutional if imposed during a term of supervised release or probation. In sum, the greater-includes-the-lesser principle applied in *Rahimi* governs here, and the concerns expressed in then-Judge Barrett's *Kanter* dissent are inapposite.

Richardson resists our focus on the circumstances of his individual case. He contends that we may consider only the facts that triggered section 922(g)(1)—that is, the fact of his prior convictions. Thoughtful jurists have differing views on the scope of materials relevant to as-applied challenges to gun restrictions. On one end of the spectrum, some courts consider all record evidence about the defendant, including facts bearing on his dangerousness. *See Williams*, 113 F.4th at 657–62; *Moore*, 111 F.4th at 272–73. In contrast, others consider only the prior predicate conviction and sentence. *See United States v. Mitchell*, 160 F.4th 169, 179 (5th Cir. 2025). We need not resolve this question because Richardson loses either way. The indictment in this case references his D.C. Superior Court convictions by case number. App. 12. And Richardson's 2022 sentence, which is judicially noticeable, establishes that Richardson remained under supervised probation on May 13, 2023—the admitted date of his section 922(g)(1) violation. Because Richardson's prior conviction and sentence suffice to establish the constitutionality of section 922(g)(1) as applied, we may leave for another day whether other information may be considered in as-applied challenges like Richardson's.

C

Finally, we note that our position here finds strong support in our sister circuits. In *United States v. Gay*, 98 F.4th 843 (7th Cir. 2024), the Seventh Circuit held that section 922(g)(1) was constitutional as applied to a defendant who remained on parole for his predicate felony at the time of the offense. *See id.* at 847 ("Parole is a form of custody. Gay's sentences had not expired; all parole did was allow him to serve some of his sentences outside prison walls."). In *Moore*, the Third Circuit, after extensively canvassing the historical tradition of disarming felons during the terms of their sentences, held that section 922(g)(1) was constitutional as applied to a defendant who remained on supervised release for his predicate felony at the time of the offense. 111 F.4th at 268–72. Shortly thereafter, the Third Circuit extended *Moore* to uphold section 922(g)(1) as applied to defendants who remained on parole or probation for their predicate felonies at the time of the section 922(g)(1) offenses. *United States v. Quailes*, 126 F.4th 215, 220–24 & n.9 (3d Cir. 2025). The Fifth and Sixth Circuits have also followed *Moore*. *See United States v. Giglio*, 126 F.4th 1039, 1044–45 (5th Cir. 2025); *United States v. Goins*, 118 F.4th 794, 801–02 (6th Cir. 2024). In doing so, the Sixth Circuit in *Goins* concluded that "our nation's historical tradition of forfeiture laws, which temporarily disarmed convicts while they completed their sentences, also supports disarming those on parole, probation, or supervised release." 118 F.4th at 801–02 (citing *Moore*, 111 F.4th at 269–72). Although the Court cited this historical analysis as one of three separate reasons to uphold the constitutionality of section 922(g)(1) as applied there, the concurrence thought that it "alone should be dispositive." *Id.* at 805 (Bush, J., concurring in part and concurring in the judgment) ("Limitations on the constitutional right to bear arms while on probation are supported by our nation's historical tradition of firearm forfeiture laws, which temporarily disarmed persons while they completed their sentences.").

One case introduces a slight complication. In *United States v. Hostettler*, 170 F.4th 539 (6th Cir. 2026), the Sixth Circuit vacated a district-court decision striking down section 922(g)(1) as applied to a felon claiming not to be dangerous and then remanded for further consideration. The Court held that the district court had overread Sixth Circuit precedent on the need for as-applied review of lifetime felon disarmament.

Citing *Goins*, the government sought outright reversal on the ground that the defendant felon was still on supervised release at the time of his section 922(g)(1) offense. *See id.* at 544–45. The Court justified the remand on the ground that *Goins* had not adopted a rule categorically upholding section 922(g)(1) as applied to any defendant on supervision for his predicate felony at the time of the section 922(g)(1) offense. *See id.* at 545. But in doing so, the Court provided no historical analysis casting doubt on its prior conclusion that our historical traditions justify disarming convicts who are serving their sentences. Given all of this, we do not read much into the Sixth Circuit's cautious approach to its own circuit precedent, which had routinely cited parole status as an "independent ground" to reject as-applied challenges to section 922(g)(1). *United States v. Oravets*, No. 24-3817, 2025 WL 2682632, at *2 (6th Cir. Sept. 19, 2025); *United States v. Nailor*, No. 24-1163, 2026 WL 768779, at *3 (6th Cir. Mar. 18, 2026); *accord United States v. Taylor*, No. 23-5644, 2024 WL 4891756, at *2 (6th Cir. Nov. 25, 2024). For the reasons explained above, we read the relevant history as the Sixth Circuit did in *Goins*, and we find the analysis in the *Moore* line of cases to be persuasive.

* * * *

We hold that section 922(g)(1) is constitutional as applied to defendants who, like Richardson, remained under non-custodial supervision at the time of their section 922(g)(1) offense. And because section 922(g)(1) is constitutional as applied to that category of defendants, it is not facially unconstitutional. *See Rahimi*, 602 U.S. at 693, 701 & n.2.

Affirmed.