

A federal grand jury subsequently returned an indictment charging Rogers with receiving a firearm and ammunition while under indictment, in violation of § 922(n). Rogers moved to

No. 24-3711, *United States v. Rogers*

dismiss the indictment, arguing that § 922(n) violates the Second Amendment on its face. After the district court denied his motion, Rogers pleaded guilty to the indictment, reserving the right to appeal the district court's order denying his motion to dismiss. The district court sentenced Rogers to three months of imprisonment followed by three years of supervised release, the first seven months of which was to be served in home detention. This timely appeal followed.

Rogers brings a facial challenge to the constitutionality of § 922(n), arguing that § 922(n) regulates conduct within the Second Amendment's scope and that there is no historical tradition of similar firearm regulation. *See N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 17 (2022). Since Rogers filed this appeal, however, we have held that § 922(n) does not violate the Second Amendment on its face because it is “relevantly similar” to “the founding-era practice of pretrial detention[.]” *Gore*, 118 F.4th at 814. Rogers argues that *Gore* was wrongly decided for at least two reasons, asserting that pretrial detention is not a historical firearm regulation and that there is a categorical mismatch between people detained pending trial and those released pending trial. But we “may not overrule the decision of another panel; only the en banc court or the United States Supreme Court may overrule the prior panel.” *United States v. Ferguson*, 868 F.3d 514, 515 (6th Cir. 2017).

Because Rogers's appeal is foreclosed by *Gore*, we **AFFIRM** the district court's judgment.