

NOT RECOMMENDED FOR PUBLICATION

File Name: 24a0393n.06

No. 24-5129

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

Sep 20, 2024

KELLY L. STEPHENS, Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ADAIR DORSEY,

Defendant-Appellant.

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ON APPEAL FROM THE UNITED
STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF
TENNESSEE

OPINION

Before: SILER, GRIFFIN, and MATHIS, Circuit Judges.

MATHIS, Circuit Judge. A grand jury indicted Adair Dorsey for being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). Dorsey pleaded guilty to the offense. Prior to sentencing, Dorsey moved to dismiss the felon-in-possession charge, arguing that § 922(g)(1) violates the U.S. Constitution’s Second Amendment. The district court denied Dorsey’s motion to dismiss and sentenced him to 188 months’ imprisonment. Dorsey timely appealed.

On appeal, Dorsey renews his argument that § 922(g)(1) violates the Second Amendment on its face. To succeed on a facial challenge, Dorsey would need to “establish that no set of circumstances exists under which [§ 922(g)(1)] would be valid.” *United States v. Rahimi*, 144 S. Ct. 1889, 1898 (2024) (quoting *United States v. Salerno*, 481 U.S. 739, 745 (1987)). We review the constitutionality of § 922(g)(1) de novo. *United States v. Loney*, 331 F.3d 516, 524(6th Cir. 2003).

No. 24-5129, *United States v. Dorsey*

Based on a recent published decision from this court, § 922(g)(1) is facially constitutional. In *United States v. Williams*, we held “that § 922(g)(1) is constitutional on its face.” 113 F.4th 637, 662 (6th Cir. 2024). We reasoned that: (1) “Congress may disarm” dangerous individuals; (2) “Section 922(g)(1) is an attempt to” disarm dangerous individuals; and (3) “most applications of § 922(g)(1) are constitutional.” *Id.* at 657. We are, of course, bound by *Williams*. See *Salmi v. Sec’y of Health & Hum. Servs.*, 774 F.2d 685, 689 (6th Cir. 1985).

We **AFFIRM** the district court’s judgment.