

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13652
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DONALD PATRICK PARR,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Georgia
D.C. Docket No. 7:23-cr-00068-WLS-ALS-1

Before ROSENBAUM, JILL PRYOR, and GRANT, Circuit Judges.

PER CURIAM:

Donald Parr appeals his conviction for possession of a fire-arm by a convicted felon. He argues that 18 U.S.C. § 922(g)(1), as applied to him, is unconstitutional under the Second Amendment.

The government moved for summary affirmance. We grant the government's motion and affirm.

I.

Local law enforcement officers arrested Parr on an outstanding warrant. When the officers searched Parr's truck, they found a pistol.

Parr, who had previous felony convictions, was charged with being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). The government alleged that Parr faced an enhanced sentence under the Armed Career Criminal Act. 18 U.S.C. § 924(e).

Parr moved to dismiss the indictment, arguing that the statutory ban on the possession of firearms by felons as applied to him violated the Second Amendment. The district court denied the motion.

Parr proceeded to trial. The jury found him guilty of possessing a firearm as a convicted felon. It also found that he had committed three previous felony offenses on occasions different from one another. The district court ultimately sentenced Parr, who was 69 years old at the time of sentencing, to 235 months' imprisonment. The court directed the sentence to run consecutively to a Florida sentence that Parr was then serving.

This is Parr's appeal.

25-13652

Opinion of the Court

3

II.

Summary disposition is appropriate when “the position of one of the parties is clearly right as a matter of law so that there can be no substantial question as to the outcome of the case.” *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).¹

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

III.

Parr challenges the constitutionality of 18 U.S.C. § 922(g)(1), which generally prohibits individuals with felony convictions from possessing firearms. He argues that this prohibition runs afoul of the Second Amendment, which states that: “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.” U.S. Const. amend. II.

To assess the constitutionality of the prohibition on felons possessing firearms, we begin with the Supreme Court’s decision in *District of Columbia v. Heller*, 554 U.S. 570 (2008). In *Heller*, the Court considered a Second Amendment challenge to a District of Columbia law that banned the possession of handguns in homes. *Id.* at 628. After considering the text and history of the Second

¹ In *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc), we adopted as binding precedent all decisions of the former Fifth Circuit issued before October 1, 1981.

Amendment, the Court concluded that it conferred on an individual a right to keep and bear arms. *Id.* at 595. It held that D.C.’s ban on handgun possession in the home violated the Second Amendment. *Id.* at 635. But it acknowledged that the right to keep and bear arms was “not unlimited,” stating that “nothing in [its] opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill.” *Id.* at 626. Indeed, the Court labeled such restrictions as “presumptively lawful.” *Id.* at 627 n.26.

After *Heller*, we considered a constitutional challenge to § 922(g)(1)’s prohibition on felons’ possession of firearms. See *United States v. Rozier*, 598 F.3d 768 (11th Cir. 2010). The defendant in *Rozier* argued that § 922(g)(1) was unconstitutional as applied to him because he possessed the firearm for self-defense in his home. *Id.* at 770. We rejected this argument, holding that “statutes disqualifying felons from possessing a firearm under any and all circumstances do not offend the Second Amendment.” *Id.* at 771. In reaching this conclusion, we looked to the Supreme Court’s statement in *Heller* that prohibiting felons from possessing firearms was a “presumptively lawful longstanding prohibition.” *Id.* (citation modified). We stated that it was “irrelevant” that the defendant “may have possessed the handgun for purposes of self-defense (in his home).” *Id.*

Several years later, the Supreme Court considered a Second Amendment challenge to New York’s gun-licensing regime that limited when a law-abiding citizen could obtain a license to carry a

firearm outside the home. See *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022). The Court recognized that the Second Amendment “protect[s] an individual’s right to carry a handgun for self-defense outside the home.” *Id.* at 10. It explained that to determine whether a restriction on the possession of firearms was constitutional, a court must begin by asking whether the restriction at issue governs conduct that falls within the plain text of the Second Amendment. *Id.* at 17. If a restriction covers such conduct, a court may uphold it only if the government “affirmatively prove[s] that its firearms regulation is part of the historical tradition that delimits the outer bounds of the right to keep and bear arms.” *Id.* at 19. Like *Heller*, *Bruen* described Second Amendment rights as extending to “law-abiding, responsible citizens.” *Id.* at 26 (citation modified).

After *Bruen*, we considered another Second Amendment challenge to § 922(g)(1). See *United States v. Dubois* (*Dubois I*), 94 F.4th 1284 (11th Cir. 2024), *vacated*, *Dubois v. United States* (*Dubois II*), 145 S. Ct. 1041 (2025), *reinstated by*, *United States v. Dubois* (*Dubois III*), 139 F.4th 887 (11th Cir. 2025). In *Dubois I*, we concluded that *Bruen* did not abrogate our decision in *Rozier*, observing that even in *Bruen* the Supreme Court continued to describe the right to bear arms “as extending only to law-abiding, responsible citizens.” *Id.* at 1293 (citation modified). We stated that “clearer instruction from the Supreme Court” was needed before we could “reconsider the constitutionality of section 922(g)(1).” *Id.* Accordingly, we held that we remained bound by *Rozier*. *Id.*

Shortly after our decision in *Dubois I*, the Supreme Court decided *United States v. Rahimi*, which involved a Second Amendment challenge to a federal statute prohibiting an individual who is subject to a domestic violence restraining order from possessing a firearm when the order includes a finding that the individual represents a credible threat to the safety of an intimate partner or a child of that partner or individual. *See* 602 U.S. 680, 684–85 (2024). It held that this restriction, which is set forth in 18 U.S.C. § 922(g)(8), was constitutional. *Id.* at 693. The Court once again declared that the prohibition on “the possession of firearms by ‘felons’ . . . [is] ‘presumptively lawful.’” *Id.* at 699 (quoting *Heller*, 554 U.S. at 626, 627 n.26).

After *Rahimi*, the Supreme Court vacated our decision in *Dubois I* and remanded the case for further consideration. *See Dubois II*, 145 S. Ct. at 1042. On remand, we held that *Rahimi* “did not abrogate our holding in *Rozier* that section 922(g)(1) is constitutional under the Second Amendment.” *Dubois III*, 139 F.4th at 889. We reasoned that “[t]he only time that the *Rahimi* majority mentioned felons was to reiterate *Heller*’s conclusion that prohibitions on the possession of firearms by felons and the mentally ill are presumptively lawful.” *Id.* at 893 (citation modified). We explained that “*Rahimi* reinforced—not undermined—*Rozier*.” *Id.* We “reinstate[d] our prior decision” and affirmed the defendant’s convictions and sentence. *Id.* at 894.

Recently, the Supreme Court issued a decision in *United States v. Hemani*, concluding that the prosecution of the defendant

25-13652

Opinion of the Court

7

under 18 U.S.C. § 922(g)(3) for knowingly possessing a gun in his home while being an unlawful user of a controlled substance violated the Second Amendment. 146 S. Ct. 1677, 1694 (2026). In reaching this result, the Court emphasized that it did “not address § 922(g)(1)’s provision disarming individuals convicted of felonies.” *Id.* at 1693.

In this appeal, Parr, relying on *Bruen* and *Rahimi*, argues that § 922(g)(1)’s prohibition as applied to him violates the Second Amendment. He says that the Second Amendment prohibits the government from “permanently disarm[ing] a class of people unless they pose a clear threat of physical violence to another.” Appellant’s Br. 18 (citation modified). He argues that § 922(g)(1) is unconstitutional as applied to him because his criminal history, which consists mostly of drug offenses, does not establish that he is a clear threat to others.

We conclude that summary affirmance is warranted here because Parr’s challenge is foreclosed by precedent. Our decision in *Dubois III* makes clear that neither *Bruen* nor *Rahimi* abrogated our decision in *Rozier*, which upheld the felon-in-possession ban in § 922(g)(1) against a Second Amendment challenge. *See* 139 F.4th at 893–94. Although Parr argues that our earlier decisions were wrongly decided, our prior-panel-precedent rule requires us to follow *Rozier* and *Dubois III* because they have not been overruled by this Court sitting en banc or abrogated by the Supreme Court. *See United States v. White*, 837 F.3d 1225, 1228 (11th Cir. 2016).

Because the government's position is clearly correct as a matter of law, we GRANT the government's motion for summary affirmance. *Groendyke Transp., Inc.*, 406 F.2d at 1162.

AFFIRMED.