

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-4661

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JEREMIAH LEE JOHNSTON,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Martinsburg. Gina M. Groh, District Judge. (3:23-cr-00076-GMG-RWT-1)

Submitted: June 17, 2025

Decided: June 20, 2025

Before GREGORY, QUATTLEBAUM, and BERNER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

ON BRIEF: Nicholas J. Compton, Assistant Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Martinsburg, West Virginia, for Appellant. Randolph J. Bernard, Acting United States Attorney, Daniel L. Salem, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Martinsburg, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jeremiah Lee Johnston entered a conditional guilty plea, pursuant to a written plea agreement, to unlawful possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(8). The district court sentenced Johnston to time served and three years of supervised release. Johnston appeals his conviction pursuant to a provision of his plea agreement preserving his right to appeal the district court's denial of his motion to dismiss his indictment. He argues that the district court erred in denying his motion because § 922(g)(1) is unconstitutional as applied to him in the wake of the Supreme Court's decision in *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022), and *United States v. Rahimi*, 602 U.S. 680 (2024). We affirm.

We review properly preserved constitutional claims de novo. *See United States v. Pruess*, 703 F.3d 242, 245 (4th Cir. 2012). However, “a panel of this court is bound by prior precedent from other panels” and may not overturn prior panel decisions unless there is “contrary law from an en banc or Supreme Court decision.” *Taylor v. Grubbs*, 930 F.3d 611, 619 (4th Cir. 2019) (internal quotation marks omitted).

Johnston argues that, because there is no historical tradition of disarming felons who committed non-violent drug offenses, § 922(g)(1) is unconstitutional as applied to him based on his prior convictions for a drug offense and driving under the influence. However, binding circuit precedent squarely forecloses Johnston's argument. In our recent decision in *United States v. Hunt*, 123 F.4th 697, 702 (4th Cir. 2024), *cert. denied sub nom. Hunt v. United States*, No. 24-6818, 2025 WL 1549804 (U.S. June 2, 2025), we held that “neither *Bruen* nor *Rahimi* abrogates this Court's precedent foreclosing as-applied challenges to

[§] 922(g)(1)” and, further, that “[§] 922(g)(1) would pass constitutional muster even if we were unconstrained by circuit precedent.” *Id.* at 702. Johnston’s as-applied challenge thus fails under binding circuit precedent.

Accordingly, we affirm the criminal judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED