UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-4319

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WESLEY SHANE HAGGERTY,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Elkins. Thomas S. Kleeh, Chief District Judge. (2:24-cr-00007-TSK-MJA-1)

Submitted: June 4, 2026 Decided: August 20, 2026

Before WILKINSON, THACKER, and RUSHING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

ON BRIEF: Hilary L. Godwin, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Bridgeport, West Virginia, for Appellant. Matthew L. Harvey, United States Attorney, Martinsburg, West Virginia, Stephen Warner, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Elkins, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In 2024, a federal grand jury charged Wesley Shane Haggerty with one count of unlawful possession of a firearm, based on his possession of a firearm as a felon, in violation of 18 U.S.C. § 922(g)(1), and his possession of a firearm as a person previously convicted of a misdemeanor crime of domestic violence, in violation of 18 U.S.C. § 922(g)(9). Haggerty moved to dismiss the indictment, arguing that § 922(g)(1) and § 922(g)(9) violate the Second Amendment, both on their face and as applied to him, following *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 17 (2022) (holding that firearm regulation is valid under the Second Amendment only if it "is consistent with this Nation's historical tradition of firearm regulation"). After Haggerty pled guilty, pursuant to a conditional plea agreement, the district court denied the motion to dismiss, and the court ultimately sentenced Haggerty to 120 months in prison. On appeal, Haggerty summarily asserts that both § 922(g)(1) and § 922(g)(9) are unconstitutional as applied to him. We affirm.

"When reviewing the denial of a defendant's motion to dismiss an indictment, we review the district court's legal conclusions de novo and its factual findings for clear error." *United States v. Skinner*, 70 F.4th 219, 223 (4th Cir. 2023). Pursuant to *Bruen*, in deciding whether a regulation is consistent with the Second Amendment, we first determine whether "the Second Amendment's plain text covers an individual's conduct." 597 U.S. at 24. "[I]f it does, then . . . we must ask whether the Government has justified the regulation as consistent with the principles that underpin our nation's historical tradition of firearm

regulation." *United States v. Price*, 111 F.4th 392, 398 (4th Cir. 2024) (internal quotation marks omitted), *cert. denied*, 145 S. Ct. 1891 (2025).

We agree with the parties that Haggerty's as-applied challenge to § 922(g)(1) is foreclosed by our decision in *United States v. Hunt*, 123 F.4th 697, 702 (4th Cir. 2024) (holding that "neither *Bruen* nor [*United States v.*] *Rahimi*[, 602 U.S. 680 (2024)] abrogate[d] this Court's precedent foreclosing as-applied challenges to Section 922(g)(1)"), *cert. denied*, 145 S. Ct. 2756 (2025). And since § 922(g)(1) supports Haggerty's single count of conviction, we need not address whether § 922(g)(9) would also sustain the conviction.

Based on the foregoing, we affirm the district court's judgment. We dispense with oral argument because the facts and legal conclusions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED