



U.S. Department of Justice
Office of the Solicitor General

The Solicitor General

Washington, D.C. 20530

March 28, 2024

The Honorable Mike Johnson
Speaker
U.S. House of Representatives
Washington, DC 20515

Re: *United States v. Price*, No. 19-cr-824 (N.D. Ill. Feb. 13, 2024)

Dear Mr. Speaker:

Consistent with 28 U.S.C. 530D, I write to advise you that the Department of Justice has decided not to appeal in the above-referenced case. A copy of the decision of the U.S. District Court for the Northern District of Illinois is enclosed.

A federal grand jury indicted the defendant for possessing a firearm as a felon, in violation of 18 U.S.C. 922(g)(1), and possessing a controlled substance with intent to distribute, in violation of 21 U.S.C. 841(a)(1). Following a bench trial, the district court found the defendant guilty on both charges. But the court later entered a judgment of acquittal on the felon-in-possession charge because it concluded that Section 922(g)(1) violates the Second Amendment.

The Department of Justice does not agree with the district court's decision in this case. The Department has filed a petition for a writ of certiorari in a case in which the U.S. Court of Appeals for the Third Circuit held that Section 922(g)(1) violates the Second Amendment. See *Range v. Attorney General United States*, 69 F.4th 96 (3d Cir. 2023) (en banc). The Department also has filed appeals in a number of cases where district courts have held that Section 922(g)(1) violates the Second Amendment. See, e.g., *United States v. Prince*, No. 22-cr-240 (N.D. Ill. Nov. 2, 2023); *United States v. Quails*, No. 21-cr-176, 2023 WL 5401733 (M.D. Pa. Aug. 22, 2023); *United States v. Bullock*, No. 18-cr-165, 2023 WL 423309 (S.D. Miss. June 28, 2023). The Department remains committed to defending Section 922(g)(1)'s constitutionality in those and other cases.

The Department has determined, however, that an appeal is not appropriate in the particular circumstances of this case. Although the district court entered a judgment of acquittal on the felon-in-possession charge, the defendant remains convicted on the controlled-substance charge. The Department has determined that the reinstatement of the felon-in-possession charge is unlikely to make a material difference to the sentence that the defendant would receive and that an appeal could needlessly delay the defendant's sentencing. The Department has concluded that, in these circumstances, further expenditure of prosecutorial resources is not warranted.

The Department filed a protective notice of appeal on March 14, 2024, but plans to dismiss the appeal on April 12, 2024. Please let me know if we can be of any further assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "E. B. Prelogar". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Elizabeth B. Prelogar
Solicitor General

Enclosure