

United States Court of Appeals  
For the Eighth Circuit

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No. 19-2067

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United States of America

*Plaintiff - Appellee*

v.

Ricky Brian Gurley

*Defendant - Appellant*

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Appeal from United States District Court  
for the Western District of Missouri - Jefferson City

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Submitted: March 13, 2020  
Filed: May 11, 2020  
[Unpublished]

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Before GRUENDER, WOLLMAN, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Ricky Brian Gurley pleaded guilty to being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2), and was sentenced to twenty-

four months' imprisonment. As a special condition of supervised release, the district court<sup>1</sup> prohibited him from using social networking sites.

We find no abuse of discretion in the district court's decision to do so. See United States v. Sherwood, 850 F.3d 391, 395 (8th Cir. 2017) (standard of review). In imposing the special condition, the court considered that Gurley's bond had been revoked, in part, because Gurley had posted on Facebook that certain individuals were working covertly with law enforcement. The district court thus completed the requisite "individualized inquiry" before imposing the special condition, which we conclude was "reasonably related" to Gurley's history of cyberbullying. See United States v. Carson, 924 F.3d 467, 474 (8th Cir. 2019) (citations omitted); see also 18 U.S.C. § 3583(d).

Gurley also argues that the indictment was insufficient because it failed to allege that he knew of his prohibited status under 18 U.S.C. § 922(g)(1). See Rehaif v. United States, 139 S. Ct. 2191, 2200 (2019). The language of his indictment closely followed the language of § 922(g)(1), however, and we thus conclude that it sufficiently charged Gurley with being a felon in possession of a firearm. See United States v. Jawher, 950 F.3d 576, 579 n.2 (8th Cir. 2020) (rejecting defendant's challenge to the indictment because the indictment "closely tracked the [statutory] language . . . and sufficiently charged [the defendant] with being a prohibited person in possession of a firearm").

The judgment is affirmed.

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<sup>1</sup>The Honorable Brian C. Wimes, United States District Judge for the Western District of Missouri.