

United States Court of Appeals
For the Eighth Circuit

No. 24-2051

United States of America

Plaintiff - Appellee

v.

Owen Zachary Simonson

Defendant - Appellant

Appeal from United States District Court
for the District of South Dakota - Southern

Submitted: September 15, 2025

Filed: October 8, 2025

[Unpublished]

Before BENTON, GRASZ, and KOBES, Circuit Judges.

PER CURIAM.

Owen Zachary Simonson pled guilty to being a felon in possession of a firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(8). The district court¹

¹The Honorable Karen E. Schreier, United States District Judge for the District of South Dakota.

sentenced him to time served. He appeals the denial of his motion to dismiss the indictment. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

Owen argues the district court should have dismissed his indictment because the felon-in-possession statute violates the Second Amendment both on its face and as applied to him. This court reviews de novo. *United States v. Seay*, 620 F.3d 919, 923 (8th Cir. 2010). As he concedes, this argument is foreclosed by binding Eighth Circuit precedent. *United States v. Cunningham*, 114 F.4th 671, 675 (8th Cir. 2024) (“The longstanding prohibition on possession of firearms by felons is constitutional, and the district court properly denied the motion to dismiss.”); *United States v. Jackson*, 110 F.4th 1120, 1124–25 (8th Cir. 2024) (holding there is “no need for felony-by-felony litigation regarding the constitutionality of § 922(g)(1)”).

* * * * *

The judgment is affirmed.
