

United States Court of Appeals
For the Eighth Circuit

No. 24-3344

United States of America

Plaintiff - Appellee

v.

Richard Joseph Price

Defendant - Appellant

Appeal from United States District Court
for the Western District of Arkansas - Fayetteville

Submitted: March 20, 2026

Filed: March 25, 2026

[Unpublished]

Before SMITH, GRASZ, and STRAS, Circuit Judges.

PER CURIAM.

Richard Price appeals after he pleaded guilty to being a felon in possession of a firearm. He argues that the district court¹ erred by denying his motion to dismiss

¹The Honorable Timothy L. Brooks, Chief Judge, United States District Court for the Western District of Arkansas.

the indictment on Second Amendment grounds and that his base offense level was incorrectly calculated because his prior Arkansas convictions do not meet the definition of a “controlled substance offense.” Upon careful review, we conclude that the district court properly denied the motion and calculated the enhanced base offense level, as Price’s arguments are foreclosed by this court’s precedent. See United States v. Jackson, 110 F.4th 1120, 1125, 1129 (8th Cir. 2024), cert. denied, 145 S. Ct. 2708 (2025); see also United States v. Henderson, 11 F.4th 713, 718-19 (8th Cir. 2021).² Accordingly, we affirm.

²Even if an as-applied challenge to the felon-in-possession statute were available to Price, he could not succeed. He has dozens of criminal convictions, several of them violent. This criminal history leaves no doubt that he “present[s] a credible threat to the physical safety of others.” *United States v. Rahimi*, 602 U.S. 680, 700 (2024).