

United States Court of Appeals  
For the Eighth Circuit

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No. 24-3433

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United States of America

*Plaintiff - Appellee*

v.

John Balentine

*Defendant - Appellant*

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Appeal from United States District Court  
for the Eastern District of Arkansas - Northern

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Submitted: March 5, 2026

Filed: March 10, 2026

[Unpublished]

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Before SHEPHERD, KELLY, and ERICKSON, Circuit Judges.

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PER CURIAM.

John Balentine appeals after he pleaded guilty to being a felon in possession of a firearm. He argues that the district court<sup>1</sup> erred by denying his motion to dismiss

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<sup>1</sup>The Honorable Lee P. Rudofsky, United States District Judge for the Eastern District of Arkansas.

the indictment because the prosecution violated the Second Amendment, both facially and as applied to him. Upon careful review, we conclude that the district court properly denied the motion, as Balentine’s argument is foreclosed by our precedent. See United States v. Seay, 620 F.3d 919, 923 (8th Cir. 2010) (standard of review); United States v. Jackson, 110 F.4th 1120, 1124-25 (8th Cir. 2024), cert. denied, 145 S. Ct. 2708 (2025); United States v. Cunningham, 114 F.4th 671, 675 (8th Cir. 2024). Accordingly, we affirm.

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