

United States Court of Appeals  
For the Eighth Circuit

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No. 25-1742

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United States of America

*Plaintiff - Appellee*

v.

Torion Tamaz Byrd

*Defendant - Appellant*

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Attorneys on Retainer Association

*Amicus on Behalf of Appellant(s)*

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Appeal from United States District Court  
for the Northern District of Iowa - Western

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Submitted: April 13, 2026

Filed: June 18, 2026

[Unpublished]

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Before LOKEN, SHEPHERD, and STRAS, Circuit Judges.

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PER CURIAM.

Torion Byrd argues that his felon-in-possession conviction, *see* 18 U.S.C. § 922(g)(1), violated both the Second Amendment and the Commerce Clause. Circuit precedent forecloses both arguments. *See Owsley v. Luebbers*, 281 F.3d 687, 690 (8th Cir. 2002) (“It is a cardinal rule in our circuit that one panel is bound by the decision of a prior panel.”).

Under federal law, felons like Byrd cannot possess firearms. *See* 18 U.S.C. § 922(g)(1) (disarming those “who ha[ve] been convicted” of “a crime punishable by imprisonment for a term exceeding one year”). A pair of recent cases concluded that the felon-in-possession statute does not violate the Second Amendment, either facially or as-applied. *See United States v. Cunningham*, 114 F.4th 671, 675 (8th Cir. 2024) (holding that it is facially constitutional); *United States v. Jackson*, 110 F.4th 1120, 1125 (8th Cir. 2024) (cutting off as-applied challenges too). And it is “well settled that Congress did not . . . exceed its authority under the Commerce Clause” in passing it. *United States v. Joos*, 638 F.3d 581, 586 (8th Cir. 2011). To the extent Byrd disagrees, his remedy lies with the en banc court, not with us. *See Liberty Mut. Ins. Co. v. Elgin Warehouse & Equip.*, 4 F.3d 567, 571 (8th Cir. 1993) (“In this circuit only an en banc court may overrule a panel decision . . .”). We accordingly affirm the judgment of the district court.<sup>1</sup>

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<sup>1</sup>The Honorable Leonard T. Strand, United States District Judge for the Northern District of Iowa.