

United States Court of Appeals
For the Eighth Circuit

No. 25-2000

United States of America

Plaintiff - Appellee

v.

Stephen Biviano Zapata

Defendant - Appellant

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

Submitted: June 15, 2026

Filed: June 18, 2026

[Unpublished]

Before LOKEN, KELLY, and KOBES, Circuit Judges.

PER CURIAM.

Stephen Zapata appeals after he pled guilty to unlawful possession of a firearm as an unlawful user of a controlled substance in violation of 18 U.S.C. § 922(g)(3),

and the district court¹ sentenced him to 27 months in prison. He argues the district court erred by denying his motion to dismiss the indictment on the ground that the statute is unconstitutional on its face under the Second Amendment. Upon careful review, we conclude that the district court properly denied the motion, as Zapata’s argument is foreclosed by circuit precedent. See United States v. Veasley, 98 F.4th 906, 918 (8th Cir. 2024); see also Mader v. United States, 654 F.3d 794, 800 (8th Cir. 2011) (en banc) (“[O]ne panel is bound by the decision of a prior panel.”) The Supreme Court’s decision in United States v. Rahimi, 602 U.S. 680 (2024), does not call into question our precedent. See United States v. Deng, 142 F.4th 1075, 1084 (8th Cir. 2025) (rejecting request to reconsider Veasley precedent post-Rahimi).

Accordingly, we affirm the judgment of the district court.

¹The Honorable Eric C. Schulte, United States District Judge for the District of South Dakota, adopting the report and recommendations of the Honorable Mark A. Moreno, United States Magistrate Judge for the District of South Dakota.