United States Court of Appeals
For the Eighth Circuit

No. 25-1589

United States of America,

Plaintiff - Appellee,

v.

Venetia A. Torres,

Defendant - Appellant.

Appeal from United States District Court
for the District of Nebraska - Omaha

Submitted: May 11, 2026
Filed: August 24, 2026

Before COLLOTON, Chief Judge, SHEPHERD and KOBES, Circuit Judges.

COLLOTON, Chief Judge.

Venetia Torres entered a conditional guilty plea to conspiracy to distribute methamphetamine and possession of a firearm as a felon. *See* 21 U.S.C. § 846; 18 U.S.C. § 922(g)(1). Torres appeals orders of the district court[*] denying her motion

[*]The Honorable Robert F. Rossiter Jr., then Chief Judge, United States District Court for the District of Nebraska.

to suppress evidence and her motion to dismiss the charge under § 922(g)(1). We affirm.

On May 9, 2023, an inspector with the United States Postal Inspection Service executed a search warrant on a USPS Priority Mail parcel that was sent from Kern County, California, to Colorado. The Colorado parcel contained over a kilogram of counterfeit pills containing fentanyl. Investigators identified an Internet Protocol address in Sinaloa, Mexico, that had tracked the Colorado parcel. The same IP address also tracked a USPS Priority Mail parcel sent from Kern County to 100 North Thatcher Street, Unit 11, in Valentine, Nebraska.

Postal Inspector Derek Ryan was informed of the Colorado parcel and the parcel sent to the Nebraska address. Ryan investigated and determined that the Nebraska parcel was addressed to "Saul Morales," but that name was not affiliated with the address in Nebraska; the return address was fictitious; and the parcel weighed more than two pounds, which is atypical for business mail. Due to the parcel's characteristics and the common tracking with the Colorado parcel, Ryan concluded that the Nebraska parcel likely contained narcotics. He therefore placed a "mail watch" on the Nebraska address so that he would be notified of any future packages sent to that address. Inspector Ryan did not seize the Nebraska parcel, and it was eventually delivered to Venetia Torres.

On June 6, 2023, Ryan received notification that another USPS Priority Mail parcel had been mailed from Kern County, California, to 100 North Thatcher Street, Unit 11 in Valentine, Nebraska. He initiated an investigation of the parcel and contacted the Nebraska State Patrol.

The Valentine Police Department was notified, and officers interviewed a postal contractor who stated that on June 7 she had delivered to Venetia Torres yet another package that was addressed to 100 North Thatcher, Unit 11, in Valentine. [R.

Doc. 72, at 8, 17]. Inspector Ryan investigated the June 7 package and found that it weighed just over four pounds, was sent from "Javier Medina" in Kern County, California, and was addressed to "Consuelo Mendoza" at the Valentine address. No person by the "Mendoza" name was associated with the Valentine address. Ryan also determined through investigation that Torres had sustained multiple prior arrests and convictions for felony drug offenses.

On June 8, Inspector Ryan continued his investigation into the suspect parcel of which he had learned on June 6. Ryan removed the suspect parcel from the mail stream at the USPS processing center in North Platte, Nebraska. Ryan used a federal law enforcement database to search the listed sender and recipient. The parcel was addressed to a minor whose initials are "T.T." Ryan did not find anyone by the addressee's name associated with the Valentine address. (Ryan later learned that the addressee was a minor son of the defendant.) The package was sent from a "Javier Ortiz," but there was no one by that name affiliated with the return address. The shipping fee was paid in cash, and no signature was required from the recipient. Based on this information, Ryan believed that the package contained narcotics.

Ryan brought the suspect parcel to the state patrol office in North Platte for exposure to a drug dog, but the canine did not alert to the parcel. Ryan nonetheless continued to believe that the parcel contained drugs, so he prepared a search warrant affidavit that contained the information related to the Colorado parcel, the two previous parcels addressed to Unit 11 at 100 North Thatcher in Valentine, and the suspect parcel. A federal magistrate judge in Nebraska issued a warrant to search the suspect parcel. When Ryan executed the warrant, he found two wrapped bundles containing methamphetamine.

On June 9, 2023, law enforcement officers conducted a controlled delivery of the suspect parcel at the Valentine post office. Torres's sons, Aaron and T.T., picked up the parcel. After they received the parcel, the two sons were detained.

Because T.T. was a minor, officers contacted Torres to pick him up. When Torres arrived, she admitted to Inspector Ryan that she knew the suspect parcel contained methamphetamine and that it was the third package containing methamphetamine that she had received in the mail. Torres also informed Ryan that she had a firearm in her vehicle. Ryan seized a semiautomatic handgun from under the driver's seat of Torres's car.

A grand jury charged Torres with conspiracy to distribute methamphetamine and unlawful possession of a firearm as a felon. She moved to suppress evidence on the ground that Inspector Ryan lacked reasonable suspicion to seize the suspect parcel en route to the Valentine address. She also moved to dismiss the firearm charge on the ground that 18 U.S.C. § 922(g)(1) is unconstitutional under the Second Amendment. The district court denied both motions.

Torres entered a conditional guilty plea and reserved her right to appeal the orders denying her motions. *See* Fed. R. Crim. P. 11(a)(2). The district court sentenced Torres to 192 months' imprisonment on the drug trafficking charge and 180 months' on the firearm charge, to be served concurrently.

On appeal, Torres argues that § 922(g)(1), the prohibition on possession of firearms by felons, violates the Second Amendment on its face and as applied to her. These contentions are foreclosed by precedent. *United States v. Wako*, 182 F.4th 766, 769-70 (8th Cir. 2026); *United States v. Jackson*, 110 F.4th 1120, 1125-26 (8th Cir. 2024), *cert. denied*, 145 S. Ct. 2708 (2025). This circuit precedent is undisturbed by the Supreme Court's recent decision in *United States v. Hemani*, 146 S. Ct. 1677 (2026), which concerned a different prohibition in 18 U.S.C. § 922(g)(3). *See id*. at 1692 n.6 (explaining that "'nothing in our opinion should be taken to cast doubt'" on "other provisions of § 922, such as subsections (g)(1) (disarming convicted felons) and (g)(4) (disarming any person 'adjudicated as a mental defective'") (quoting *District of Columbia v. Heller*, 554 U.S. 570, 626 (2008)); *id*. at 1693 ("We do not

address 18 U.S.C. § 922(g)(1)'s provision disarming individuals convicted of felonies (often including drug-related ones)."); *id*. at 1700 (Alito, J., concurring) (stating that "nothing in the opinion of the Court should be read to cast doubt on the constitutionality of other provisions of § 922(g), such as §§ 922(g)(1) and (4), the 'prohibitions on the possessions of firearms by felons and the mentally ill'") (quoting *Heller*, 554 U.S. at 626).

Torres also maintains that the district court erred by denying her motion to suppress evidence. She contends that Inspector Ryan violated her rights under the Fourth Amendment by seizing the suspect package without reasonable suspicion that the package contained narcotics. She contends that the district court improperly relied upon a conglomeration of innocent factors and facts relating to the address in Valentine, Nebraska.

A law enforcement officer may lawfully seize a package based on an objectively reasonable suspicion that the package contains contraband. *United States v. Smith*, 383 F.3d 700, 704 (8th Cir. 2004). "That level of suspicion is considerably less than proof of wrongdoing by a preponderance of the evidence." *United States v. Sokolow*, 490 U.S. 1, 7 (1989). "Reasonable suspicion exists when, based on the totality of the circumstances, an officer possesses a particularized and objective basis for suspecting that the package contains contraband"—that is, "more than an inchoate and unparticularized suspicion or hunch." *United States v. Johnson*, 171 F.3d 601, 603 (8th Cir. 1999) (internal quotations omitted). The standard may be satisfied by "facts which, alone and to an untrained eye, appear innocuous, but which, to a trained officer familiar with the methods of drug traffickers, are sufficient to establish reasonable suspicion." *Smith*, 383 F.3d at 704.

We conclude that Inspector Ryan had reasonable suspicion to seize the suspect parcel. The postal inspector knew that an Internet Protocol address in Mexico that tracked a package containing fentanyl from Kern County, California, to Colorado also

tracked a package shipped from Kern County to Unit 11 at 100 North Thatcher Street in Valentine, Nebraska. The inspector knew that two previous packages sent from California to the Valentine address included names of addressees that were not associated with the address. The suspect parcel was sent to the same address in Valentine and bore characteristics that supported a reasonable, articulable suspicion: (1) the package was a USPS Priority Mail package; (2) the package originated from the source location of Bakersfield, California, which is in Kern County; (3) the package bore a handwritten address that indicated a person-to-person shipment; (4) the package was the same size and shape as other USPS packages that contained illegal narcotics; (5) the package did not require a signature and thus avoided contact between the recipient and a delivery person; (6) the postage was paid in cash and the sender thus could not be traced via credit card records; (7) the package was a flat rate mailing box; (8) the named sender was not associated with the return address; and (9) a database check did not associate the addressee's name with the Valentine address.

Inspector Ryan explained why, based on his training and experience, these factors were suspicious. Bakersfield is a source area for drugs. Drug traffickers typically use priority mail, address packages with handwritten labels, pay in cash, waive signature requirements, and use false names to remain anonymous when sending and receiving controlled substances. These factors support a reasonable, articulable suspicion of drug trafficking. *See United States v. Lakoskey*, 462 F.3d 965, 976 (8th Cir. 2006). The circumstances cited, along with the two other suspicious packages sent to the Valentine address and the common IP tracking of the Valentine address and a previous drug package in Colorado, established reasonable suspicion to believe that the subject parcel contained narcotics. The district court properly denied the motion to suppress evidence.

The orders and judgment of the district court are affirmed.

KOBES, Circuit Judge, concurring in part and concurring in the judgment.

Neither party argues that *Hemani* matters to the decision in this case. I do not think that it does, so I would affirm under *United States v. Jackson*, 110 F.4th 1120 (8th Cir. 2024), as we have many times before and after *Hemani*. *See, e.g.*, *Brown v. Reynolds*, 150 F.4th 975, 979 (8th Cir. 2025); *United States v. Bogan*, --- F.4th ----, ----, No. 25-3084, 2026 WL 2166612, at *1 n.3 (8th Cir. July 28, 2026).

As for the claim that *Hemani* does not disturb our precedent in *Wako* and *Jackson*, I agree in part. *Hemani* does not abrogate our *holdings* in those cases. I am not convinced that the reasoning of either case fares as well. But those are questions for another time.

Because I agree with the court's resolution of the suppression issue, I respectfully concur in part and concur in the judgment.