

United States Court of Appeals
For the Eighth Circuit

No. 26-1205

United States of America

Plaintiff - Appellee

v.

Kirby Joe Truesdell

Defendant - Appellant

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

Submitted: October 2, 2026

Filed: October 15, 2026

[Unpublished]

Before GRASZ, KOBES, and TRAYNOR, Circuit Judges.

PER CURIAM.

Kirby Truesdell, who is proceeding pro se, appeals after a jury convicted him of possessing a firearm as a prohibited person, and the district court¹ sentenced him

¹The Honorable C.J. Williams, Chief Judge, United States District Court for the Northern District of Iowa.

to 90 months in prison. On appeal, Truesdell challenges the constitutionality of his conviction under 18 U.S.C. §§ 922(g)(1) and (g)(9), argues that his speedy trial rights were violated, asserts that he was not allowed to subpoena witnesses, challenges the district court's response to jury questions during deliberations, argues he did not know he was a prohibited person who was barred from possessing a firearm, and challenges his sentence.

Upon careful review, we conclude that Truesdell's conviction does not run afoul of the Second Amendment. See United States v. Wilson, 939 F.3d 929, 931 (8th Cir. 2019) (standard of review); see also United States v. Richardson, 175 F.4th 1012, 1013 (8th Cir. 2026) (per curiam), petition for cert. filed (U.S. Aug. 17, 2026) (No. 26-5357); United States v. Bernard, 136 F.4th 762, 766 (8th Cir.), cert. denied, 146 S. Ct. 254 (2025); United States v. Springer, 141 F.4th 947, 950 (8th Cir. 2025). We also conclude that Truesdell has not established a violation of his speedy trial rights. See United States v. Grady, 88 F.4th 1246, 1255 (8th Cir. 2023) (standard of review), cert. denied, 144 S. Ct. 2648 (2024); see also 18 U.S.C. § 3161. As to Truesdell's subpoena requests, we discern no plain error in the court's rulings on his subpoena motions. See United States v. Robertson, 948 F.3d 912, 919 (8th Cir. 2020) (standard of review); United States v. Mabie, 663 F.3d 322, 329-30 (8th Cir. 2011).

We further conclude the district court did not abuse its discretion when it determined that the substance of the jury's questions was irrelevant to the task of rendering a verdict, and referred them back to the jury instructions. See United States v. Jackson, 110 F.4th 1120, 1124 (8th Cir. 2024) (standard of review), cert. denied, 145 S. Ct. 2708 (2025); United States v. Howell, 531 F.3d 621, 623-24 (8th Cir. 2008); United States v. Beckman, 222 F.3d 512, 521 (8th Cir. 2000). We conclude the evidence at trial showing that Truesdell knew he was a prohibited person was sufficient to sustain his conviction. See United States v. Fisher, 115 F.4th 875, 878 (8th Cir. 2024) (standard of review), cert. denied, 145 S. Ct. 1210 (2025); Rehaif v.

United States, 588 U.S. 225 (2019). Finally, we find no error in the district court's Guidelines calculations. See U.S.S.G. §§ 2K2.1(a)(4)(A); 2K2.1(b)(7)(B). To the extent Truesdell argues that a criminal history point should not have been assessed for a prior sentence because the state court sentencing judge had a conflict of interest, we decline to consider the argument. See United States v. Jones, 28 F.3d 69, 70 (8th Cir.1994) (per curiam) (defendant may collaterally attack prior state conviction during federal sentencing only on ground that it was obtained in violation of right to appointed counsel).

Accordingly, the judgment of the district court is affirmed.
