NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted January 13, 2026
Decided January 15, 2026

Before

MICHAEL B. BRENNAN, *Chief Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

No. 25-1602

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

MAURICE G. DAVIS, SR.,
Defendant-Appellant.

Appeal from the United States District Court for the Eastern District of Wisconsin.

No. 11-cr-63-PP

Pamela Pepper,
Chief Judge.

O R D E R

Maurice Davis, Sr., appeals the revocation of his supervised release and the sentence he received for violating its conditions. His appointed counsel asserts that the appeal is frivolous and moves to withdraw. *See Anders v. California*, 386 U.S. 738, 744 (1967). Although a defendant does not have an unqualified constitutional right to counsel in a revocation proceeding, *Gagnon v. Scarpelli*, 411 U.S. 778, 790 (1973), it is still our practice to apply the safeguards of *Anders* in this context. *See United States v. Brown*, 823 F.3d 392, 394 (7th Cir. 2016). Davis did not respond to counsel's motion to withdraw. *See* CIR. R. 51(b). The *Anders* brief, though barebones, is adequate for our

review. *See United States v. Tabb*, 125 F.3d 583, 584 (7th Cir. 1997) (explaining that an *Anders* brief is adequate on its face if "it explains the nature of the case and intelligently discusses the issues that a case of the sort might be expected to involve"). From our review of the brief and the record, we conclude that Davis does not have an arguable issue on appeal. We therefore grant counsel's motion and dismiss the appeal.

In 2011, Davis pleaded guilty to conspiracy to distribute at least 28 grams of cocaine base. 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), 846. The district court imposed 120 months' imprisonment and four years' supervised release. (The district court later granted Davis's motion to reduce the sentence to 110 months based on a retroactive change to Davis's guidelines range. *See* 18 U.S.C. § 3582(c)(2).) One condition of Davis's supervised release forbade him from possessing a firearm. Davis appealed, and we affirmed his conviction and sentence. *United States v. Davis*, 761 F.3d 713, 716 (7th Cir. 2014).

While on supervised release in 2022, Davis fled police officers after they saw a handgun on his lap during a traffic stop. Officers arrested Davis, and a probation officer asked the court to revoke Davis's supervised release based on five violations of his conditions, including possession of a firearm and flight from officers (both Grade B offenses). The court stayed the revocation proceedings pending the resolution of Davis's criminal charge for possessing a firearm as a felon in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(8). In that case, Davis pleaded guilty, and the court imposed 68 months' imprisonment. *United States v. Davis*, No. 22-CR-210-JPS (E.D. Wis. July 11, 2024).

The district court overseeing Davis's revocation proceedings then lifted the stay, and Davis admitted to four violations. He contested only his violation for gun possession, arguing that he had a constitutional right to possess a firearm under the Second Amendment. The district court determined that the Second Amendment did not shield Davis from revocation for possessing a firearm, 18 U.S.C. § 3583(g)(2), adjudicated him guilty of all violations, and revoked his supervised release.

The court imposed a sentence of 6 months' imprisonment, below the policy-statement range in Chapter 7 of the Sentencing Guidelines. The court calculated a range of 18 to 24 months' imprisonment based on Davis's criminal history category of V and most serious violation (Grade B). Davis asked the court to impose a sentence below the policy-statement range to run concurrently with his sentence for unlawful possession of a firearm. Davis noted his difficult family history, acceptance of responsibility, and potential for rehabilitation. After considering the PSR, Davis's history and characteristics, and the policy-statement range, the court stressed that it was not

imposing a sentence to punish Davis for unlawfully possessing the firearm. Rather, the court explained, a "small amount of incremental punishment" was necessary to account for Davis's failure to abide by his conditions of supervised release. The court ordered the 6-month sentence to run consecutively to Davis's firearm sentence.

Counsel considers whether Davis could raise a nonfrivolous challenge to the revocation of his supervised release. But before counsel explores a possible challenge, he must consult with Davis about the risks of challenging the revocation and confirm that Davis wishes to proceed. *See United States v. Wheeler*, 814 F.3d 856, 857 (7th Cir. 2016); *United States v. Knox*, 287 F.3d 667, 671 (7th Cir. 2002). Counsel does not say whether such a consultation occurred here. Regardless, we agree that Davis lacks a nonfrivolous argument to challenge the revocation.

The only potential argument counsel considers, and rightly rejects as frivolous, is whether the district court erred by determining that the Second Amendment did not shield Davis from revocation for possessing a firearm. Section 3583(g)(2) requires a court to revoke supervised release where a defendant possesses a firearm in violation of federal law or a condition of supervised release. Davis pleaded guilty to violating federal law by possessing a firearm as a felon. *See* 18 U.S.C. 922(g)(1). To be sure, we are considering whether § 922(g)(1) violates the Second Amendment in *United States v. Prince*, No. 23-3155 (argued Dec. 11, 2024). But Davis could not use a revocation proceeding to challenge the constitutionality of his conviction under § 922(g)(1). *See United States v. Flagg*, 481 F.3d 946, 950 (7th Cir. 2007) ("The proper method for challenging a conviction and sentence is through direct appeal or collateral review, not a supervised release revocation proceeding.").

In any event, Davis's possession of the firearm also clearly violated a condition of his supervised release, and a challenge to the condition at this stage would be frivolous. Supervised release is part of the defendant's sentence and is conditioned on the restriction of rights that ordinary citizens enjoy. 18 U.S.C. § 3583(a); *Esteras v. United States*, 606 U.S. 185, 193 n.4 (2025); *United States v. Sines*, 303 F.3d 793, 801 (7th Cir. 2002). Whether and when a court can impose a condition prohibiting firearm possession after *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1 (2022), and *United States v. Rahimi*, 602 U.S. 680 (2024), is a question yet to be resolved by the Supreme Court. But no appellate decision, before or after *Bruen* and *Rahimi*, holds that the Second Amendment prevents temporarily disarming convicted drug offenders.

We also see no nonfrivolous procedural challenge to the revocation of supervised release. Davis received written notice of the violation and the evidence against him,

see FED. R. CRIM. P. 32.1(b)(2)(A), (B), was represented by counsel, *see id.* 32.1(b)(2)(D), and presented mitigating information, *see id.* 32.1(b)(2)(E).

Finally, Davis could not make a nonfrivolous challenge to his 6-month sentence. The court calculated a policy-statement range of 18 to 24 months based on a Grade B violation, *see* U.S.S.G. § 7B1.1(a)(2), and Davis's criminal history category of V, *id.* § 7B1.4(a). Davis's below-range sentence is presumptively reasonable. *United States v. Norwood*, 982 F.3d 1032, 1058 (7th Cir. 2020). And nothing in the record rebuts that presumption here: The court addressed Davis's history, characteristics, and arguments in mitigation, and it concluded that a short sentence was necessary to account for Davis's failure to abide by the conditions of his supervision. *See* 18 U.S.C. § 3583(e)(3).

We therefore GRANT counsel's motion to withdraw and DISMISS the appeal.