

NONPRECEDENTIAL DISPOSITION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 May 2, 2024

Decided June 3, 2026

Before

ILANA DIAMOND ROVNER, *Circuit Judge*

DIANE S. SYKES, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

No. 23-1913

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

TYRONE GADDIS,
Defendant-Appellant.

Appeal from the United States District
Court for the Northern District of
Illinois, Eastern Division.

No. 1:21-CR-00576(1)

Sharon Johnson Coleman,
Judge.

ORDER

Tyrone Gaddis pleaded guilty to possessing a firearm as a felon and was sentenced to a within-guidelines term of 96 months' imprisonment. *See* 18 U.S.C. §§ 922(g)(1), 924. Gaddis appealed, but his appointed counsel moved to withdraw and filed an *Anders* brief explaining that the appeal is frivolous. *See Anders v. California*, 386 U.S. 738, 744 (1967). We suspended the appeal pending our decision in *United States v. Prince*, 171 F.4th 1009 (7th Cir. 2026), in which we held that the federal statute

prohibiting possession of firearms by felons is not facially unconstitutional. We now grant counsel's motion to withdraw and dismiss the appeal.

Counsel's *Anders* brief explains the nature of the case and addresses the issues that an appeal of this kind might involve. Because the analysis appears thorough, we limit our review to the subjects counsel discusses. *United States v. Bey*, 748 F.3d 774, 776 (7th Cir. 2014).

A police observational device captured Gaddis and his two co-defendants passing a semi-automatic rifle amongst themselves. Officers responded, arrested the men, and seized the rifle, which had a 36-round capacity and was loaded with 30 rounds of ammunition. The government charged Gaddis with possessing a firearm as a felon in violation of 18 U.S.C. § 922(g)(1), and Gaddis agreed to plead guilty in a written plea declaration.

A change-of-plea hearing and sentencing followed. The district judge conducted a plea colloquy, the details of which are discussed below, and entered Gaddis's guilty plea. At sentencing, the judge adopted (and Gaddis did not object to) the guidelines recommendations in the presentence investigation report (PSR). The PSR assessed a base offense level of 26 based on the characteristics of the rifle—a semiautomatic firearm capable of firing many rounds without reloading because a large-capacity magazine was attached to it—and two past convictions for crimes of violence. *See* U.S.S.G. § 2K2.1(a)(1) & cmt. n.2. Three levels were then deducted because Gaddis accepted responsibility, *see id.* § 3E1.1(a)–(b), resulting in a total offense level of 23. Based on his lengthy criminal history, which included convictions for robbery, aggravated battery, and aggravated assault, Gaddis's criminal history category was VI. *See id.* § 4A1.1. The guidelines calculations yielded a range of 92 to 115 months in prison and 1 to 3 years of supervised release. *See id.* § 5D1.2(a)(2).

Gaddis asked the district judge to impose a below-guidelines term, arguing that the nature and circumstances of the offense—it was nonviolent, and Gaddis only briefly held the gun before another defendant placed it in a car trunk—weighed in favor of a shorter sentence. And citing his personal history, Gaddis added that he needed more mental-health treatment rather than more carceral punishment. But after weighing these mitigating factors against the seriousness of illegally possessing a weapon, the need to deter that offense given the danger that guns pose to the community, and Gaddis's extensive and violent criminal past, the judge determined that a within-guidelines prison term of 96 months was appropriate.

Counsel first considers whether Gaddis could plausibly argue that his plea was invalid. Although counsel does not tell us, as he should, whether he consulted with Gaddis about the risks and benefits of challenging his plea, nor whether Gaddis wishes to challenge his plea, *see United States v. Larry*, 104 F.4th 1020, 1022 (7th Cir. 2024), Gaddis informs us that he does. But we agree with counsel that any challenge to the guilty plea would be frivolous. Gaddis did not move in the district court to withdraw his guilty plea, so we would review the acceptance of his plea for plain error. *See United States v. Williams*, 946 F.3d 968, 971 (7th Cir. 2020). And no plain error occurred. The transcript of the plea colloquy shows that, except for one harmless omission, the district judge followed the required procedures of Rule 11 of the Federal Rules of Criminal Procedure to ensure that the entry of the guilty plea was valid. The judge did not confirm that Gaddis understood that his maximum possible penalty was 10 years in prison and 3 years of supervised release and that the court had to impose a \$100 special assessment. *See* FED. R. CRIM. P. 11(b)(1)(H), (L). But those omissions were harmless because, in his written plea declaration, Gaddis acknowledged that he understood these points; he also confirmed to the judge that he signed the declaration voluntarily.

Counsel next considers whether Gaddis could plausibly argue that the district judge miscalculated his guidelines range but rightly concludes that he could not. In his plea declaration, Gaddis stipulated to possessing the rifle and to the past felony convictions that the probation office could rely on as crimes of violence when calculating his base offense level. *See* U.S.S.G. § 2K2.1(a)(1). Further, Gaddis did not dispute that his past convictions, including those for robbery, aggravated battery, and aggravated assault, established a criminal history category of VI. *See id.* § 4A1.1. Because Gaddis did not object to these calculations at sentencing, he would have to argue that the district judge's acceptance of them and the calculation of this guidelines range was plain error. But counsel has offered no plausible argument of plain error, and we discern none either.

Counsel is also correct that a challenge to the substantive reasonableness of Gaddis's prison term would be frivolous. The 96-month prison term was within guideline range, so it is "presumed reasonable," unless Gaddis can show that it does not reasonably comport with the § 3553 factors. *See United States v. De La Torre*, 940 F.3d 938, 953 (7th Cir. 2019). But Gaddis cannot plausibly make that contention because the transcript shows that the judge reasonably balanced the seriousness of the offense, the need for deterrence, and Gaddis's personal history and need for rehabilitation. We recognize that, at sentencing, the judge used the word "violent" in referring to Gaddis's

crime. But Gaddis could not reasonably contend that, in sentencing him, the judge wrongly believed that illegal gun possession is intrinsically violent. We would review that argument de novo because Gaddis was not required to object to the judge's comments at sentencing. *See United States v. Wood*, 31 F.4th 593, 598–99 (7th Cir. 2022). But the context of the comments shows that the judge permissibly viewed the illegal possession of a firearm as an offense that risked violence. *See Barrett v. United States*, 423 U.S. 212, 218 (1976); *United States v. Walls*, 225 F.3d 858, 865 (7th Cir. 2000).

Finally, in his original *Anders* brief, counsel explored a challenge to the constitutionality of 18 U.S.C. § 922(g)(1) in the aftermath of *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1 (2022). Because we have since decided that § 922(g)(1) does not violate the Second Amendment on its face, *see Prince*, 171 F.4th at 1011, counsel now considers whether an as-applied challenge would be viable. Because Gaddis did not raise a constitutional argument in the district court, our review would be for plain error, meaning the error must be “clear and uncontroverted at the time of appeal.” *United States v. Miles*, 86 F.4th 734, 740 (7th Cir. 2023) (citation omitted).

Counsel is right that an as-applied challenge would be frivolous. On the same day we decided *Prince*, we also held that § 922(g)(1) is constitutional as applied to individuals convicted of dangerous felonies. *United States v. Watson*, 1012 F.4th 1012, 1024 (7th Cir. 2026); *see also United States v. Rahimi*, 602 U.S. 680, 698 (2024). So Gaddis would have to establish that none of his five predicate felonies is a dangerous felony. Given these offenses include robbery, aggravated battery, and aggravated assault, he cannot plausibly make this argument, especially under plain-error review.

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