

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 19 2026

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Appellee,

v.

SHAWN LEE BUTTS,

Appellant.

No. 23-313

D.C. No.

9:22-cr-00033-DWM-1

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Montana  
Donald W. Molloy, District Judge, Presiding

Submitted March 16, 2026\*\*

Before: SILVERMAN, NGUYEN, and HURWITZ, Circuit Judges.

Shawn Lee Butts appeals from the district court's judgment and challenges his guilty-plea conviction for being a prohibited person in possession of firearms and ammunition, in violation of 18 U.S.C. § 922(g)(1). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Butts asserts that § 922(g)(1) violates the Second Amendment, both facially and as applied to him as a purportedly non-violent felon who possessed the firearms for hunting purposes. This claim is foreclosed. *See United States v. Duarte*, 137 F.4th 743, 750 (9th Cir. 2025) (en banc) (“[Section] 922(g)(1) is constitutional as applied to non-violent felons[.]”), *cert. denied*, \_\_ S. Ct. \_\_, 2026 WL 135692 (U.S. Jan. 20, 2026).

**AFFIRMED.**