

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 22 2026

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TIMOTHY JEFFREY, Jr., AKA Boo, AKA
Jim Jeffrey, AKA Tim Jeffrey, AKA
Timothy Jeffery, AKA TimothY D.
Jefferey, AKA Timothy Jeffreys, AKA
Frankie Jeffrey, AKA Korev Eshallow
Jeffery, AKA Korev Ishola Green, AKA
Timothy Carlow Barret, AKA Andrew C.
Bryant, AKA Chanito Datson,

Defendant - Appellant.

No. 25-3892

D.C. No.

3:24-cr-00475-WHA-1

MEMORANDUM*

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TIMOTHY JEFFREY, Jr., AKA Boo, AKA
Jim Jeffrey, AKA Tim Jeffrey, AKA
Timothy Jeffery, AKA TimothY D.
Jefferey, AKA Timothy Jeffreys, AKA
Frankie Jeffrey, AKA Korev Eshallow
Jeffery, AKA Korev Ishola Green, AKA

No. 25-3897

D.C. No.

3:16-cr-00002-WHA-2

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

Timothy Carlow Barret, AKA Andrew C.
Bryant, AKA Chanito Datson,

Defendant - Appellant.

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TIMOTHY JEFFREY, Jr., AKA Boo, AKA
Jim Jeffrey, AKA Tim Jeffrey, AKA
Timothy Jeffery, AKA Timothy D.
Jefferey, AKA Timothy Jeffreys, AKA
Frankie Jeffrey, AKA Korev Eshallow
Jeffery, AKA Korev Ishola Green, AKA
Timothy Carlow Barret, AKA Andrew C.
Bryant, AKA Chanito Datson,

Defendant - Appellant.

No. 25-3901

D.C. No.

3:12-cr-00216-WHA-1

Appeal from the United States District Court
for the Northern District of California
William Alsup, District Judge, Presiding

Submitted October 20, 2026**
San Francisco, California

Before: S.R. THOMAS, KOH, and TUNG, Circuit Judges.

Timothy Jeffrey, Jr. (“Jeffrey”) appeals his convictions on two counts of
possession of a firearm and ammunition by a felon in violation of 18 U.S.C.

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

§ 922(g)(1), and the judgments revoking his supervised release in two prior cases. Jeffrey argues that (1) the district court erred in denying Jeffrey’s motion to suppress; (2) the prosecutor misstated the evidence in closing argument; (3) the district court erred by not making sufficient factual findings to support a two level obstruction of justice sentencing enhancement; and (4) the district court erred in denying Jeffrey’s motion to dismiss the indictment. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

1. The district court did not err in denying Jeffrey’s motion to suppress the Glock 19 semiautomatic pistol and 9mm ammunition charged in Count One, which police officers recovered on April 25, 2023, after Officer Alexander Molina-Yepsen (“Officer Molina”) allegedly conducted a traffic stop of the Range Rover that Jeffrey was driving. We “review[] the denial of the motion to suppress de novo and any associated factual findings for clear error.” *United States v. Brown*, 996 F.3d 998, 1004 (9th Cir. 2021).

We assume without deciding that Officer Molina seized Jeffrey through a traffic stop when Jeffrey pulled the Range Rover into a parking space. We hold that reasonable suspicion supported that seizure. Therefore, we need not decide whether the attenuation or good faith exceptions to the exclusionary rule apply.

A police officer may make an investigatory stop on reasonable suspicion, *United States v. Arvizu*, 534 U.S. 266, 273 (2002), a standard that requires “more

than a mere ‘hunch’ of wrongdoing” but is “obviously less demanding than that for probable cause,” *United States v. Williams*, 846 F.3d 303, 308 (9th Cir. 2016) (quoting *United States v. Sokolow*, 490 U.S. 1, 7 (1989)). Where a police officer makes a stop “in objective reliance on a [police-issued] flyer or bulletin,” the evidence uncovered “is admissible if the police who *issued* the flyer or bulletin possessed a reasonable suspicion justifying a stop.” *United States v. Hensley*, 469 U.S. 221, 233 (1985).

Officer Molina’s traffic stop of the Range Rover was lawful because it was based upon an automated license plate reader alert that the car had been entered into the Stolen Vehicle System (“SVS”) as stolen. In turn, the police officers who entered the Range Rover into the SVS had reasonable suspicion that Jeffrey stole the car. Margarita Hall (“Hall”) called the police five times to report that Jeffrey took her Range Rover and would not return it, and she reported in person that Jeffrey took the car at gunpoint. A non-anonymous in person report carries “substantial indicia of reliability” because it lets police officers hold the informant “accountable for a false tip” and “observe [her] demeanor.” *United States v. Palos-Marquez*, 591 F.3d 1272, 1275 (9th Cir. 2010). Additionally, Hall’s father told the police that he had purchased the Range Rover for Hall’s use. The police then confirmed that Hall’s father owned the Range Rover. *See United States v. Westfall*, 142 F.4th 1208, 1214 (9th Cir. 2025) (noting that the U.S. Supreme Court has

“consistently recognized the value of corroboration of details of an informant’s tip by independent police work” (quoting *Illinois v. Gates*, 462 U.S. 213, 241 (1983))).

We are unpersuaded by Jeffrey’s arguments that the police officers should not have credited Hall’s account because Hall had a criminal history and gave differing accounts of how Jeffrey took the car, even suggesting that she allowed Jeffrey to drive the car. The police officers knew of Hall’s criminal history and observed the inconsistencies in Hall’s reports as to how Jeffrey took her car. But Hall consistently maintained that Jeffrey “had possession of her car and was not returning it,” and the police officers noted the “specificity of her statements regarding the car.” Moreover, even if Hall gave Jeffrey permission to take the Range Rover, the “reasonable-suspicion standard is not a particularly high threshold to reach,” and a “determination that reasonable suspicion exists . . . need not rule out the possibility of innocent conduct.” *United States v. Valdes-Vega*, 738 F.3d 1074, 1078-79 (9th Cir. 2013) (en banc) (citation modified). Thus, the police officers lawfully entered the Range Rover into the SVS, and Officer Molina lawfully relied on the SVS alert to stop Jeffrey. *See Hensley*, 469 U.S. at 233.

2. The prosecutor’s closing argument was not misconduct and does not warrant reversal. Jeffrey specifically challenges the prosecutor’s statements in closing that “all of the ammunition was manufactured outside the state of California,” so “all of

the ammunition had to have crossed state lines.” According to Jeffrey, the prosecutor should have referred only to the charged ammunition and wrongly implied that the uncharged loose 9mm rounds, which police officers found in the same March 27, 2024 search that uncovered the AR-15-style rifle charged in Count Two, also crossed state lines.

“In reviewing alleged prosecutorial misconduct, we focus on its asserted impropriety and substantial prejudicial effect.” *United States v. Wijegoonaratna*, 922 F.3d 983, 989 (9th Cir. 2019) (citation modified). Additionally, because Jeffrey did not object at trial, we review for plain error. *See United States v. Alcantara-Castillo*, 788 F.3d 1186, 1190 (9th Cir. 2015). There is plain error if “(1) there was error; (2) it was plain; (3) it affected the defendant’s substantial rights; and (4) ‘viewed in the context of the entire trial, the impropriety seriously affected the fairness, integrity, or public reputation of judicial proceedings.’” *Id.* at 1190-91 (quoting *United States v. Combs*, 379 F.3d 564, 568 (9th Cir. 2004)).

The challenged statements were not improper in context. Immediately before making the challenged statements, the prosecutor referred to the charged ammunition and charged firearms, and summarized evidence concerning the origins of the charged ammunition and charged firearms after the challenged statements. Thus, in context, the prosecutor’s reference to “all of the ammunition” referred to the charged ammunition alone. *See Wijegoonaratna*, 922 F.3d at 989

(“Read in context, however, the prosecutor’s statement referred only to the specific documents that the defense had highlighted in its closing.”).

Even assuming the prosecutor spoke imprecisely, the statements did not, “viewed in the context of the entire trial,” seriously affect “the fairness, integrity, or public reputation of judicial proceedings.” *Alcantara-Castillo*, 788 F.3d at 1190-91 (quoting *Combs*, 379 F.3d at 568). The U.S. Supreme Court has “suggested that, in most circumstances, an error that does not affect the jury’s verdict does not significantly impugn the ‘fairness,’ ‘integrity,’ or ‘public reputation’ of the judicial process.” *United States v. Marcus*, 560 U.S. 258, 265-66 (2010) (quotation omitted). Jeffrey does not contend that the prosecutor’s statements affected the verdict. The final jury instructions identified all the specific firearms and ammunition that were charged. Jeffrey does not dispute that the government proved that all charged firearms and all charged ammunition moved in interstate or international commerce. *See United States v. Galecki*, 89 F.4th 713, 739-41 (9th Cir. 2023) (holding that a guilty verdict on an indictment charging several acts in the conjunctive stands “if the evidence is sufficient with respect to any one of the acts charged” (quoting *Turner v. United States*, 396 U.S. 398, 420 (1970))). Additionally, the district court instructed the jury that the lawyers’ arguments were “not evidence,” which further reduces the possibility of jury confusion. Thus, the prosecutor’s phrasing does not warrant reversal. *See Marcus*, 560 U.S. at 265-66.

3. The district court did not err in imposing a two level enhancement for obstruction of justice. We review the “district court’s characterization of a defendant’s conduct as obstruction of justice within the meaning of [U.S.S.G.] § 3C1.1” de novo, and we review the underlying factual findings for clear error. *United States v. Castro-Ponce*, 770 F.3d 819, 821-22 (9th Cir. 2014).

U.S.S.G. § 3C1.1 provides for a two level enhancement when a defendant “willfully obstructed or impeded . . . the administration of justice” in connection with the prosecution or sentencing of the offense of conviction. Perjury at trial can qualify. *See* U.S.S.G. § 3C1.1 cmt. n.4(B). To impose the enhancement based on perjury, the district court must make explicit findings that (1) the “defendant [gave] false testimony”; (2) “the falsehoods were willful”; and (3) the falsehoods were “material to the criminal charges.” *Castro-Ponce*, 770 F.3d at 823. The district court need not enumerate its findings separately as to each requirement; it need only make findings that “encompass[] all of the factual predicates for a finding of perjury.” *United States v. Dunnigan*, 507 U.S. 87, 95 (1993).

Here, the district court made sufficient findings. Jeffrey concedes that the district court found his trial testimony false. The district court identified the false testimony—Jeffrey’s denial that he possessed or discarded the Glock and ammunition charged in Count One—and stated to Jeffrey, “I’m explaining to you why I think you obstructed justice by lying to the jury. Now, the jury could see

right through your lie, and they convicted you.” The district court suggested that the false testimony was material to Count One because the jury would not have convicted Jeffrey had it credited his testimony. Moreover, the district court expressly found willful obstruction of justice and Jeffrey identifies no evidence that he lied for any other reason. *See United States v. Ho-Romero*, 167 F.4th 1037, 1046 (9th Cir. 2026) (holding that “the express requirement for a finding of ‘willful intent’ means an intent to obstruct justice by lying under oath”). Thus, the district court made sufficient findings to support the two level sentencing enhancement. *See Castro-Ponce*, 770 F.3d at 823.

4. The district court did not err in denying Jeffrey’s motion to dismiss the indictment. Jeffrey’s motion to dismiss argued that 18 U.S.C. § 922(g)(1) violates the Second Amendment as applied to a nonviolent felon like Jeffrey. We review “de novo the denial of a motion to dismiss an indictment challenging the constitutionality of the charging statute.” *United States v. Vlha*, 142 F.4th 1194, 1197 (9th Cir. 2025) (citing *United States v. Howald*, 104 F.4th 732, 736 (9th Cir. 2024), *cert. denied*, 145 S. Ct. 781 (2024)). Jeffrey’s argument is foreclosed by *United States v. Duarte*, 137 F.4th 743 (9th Cir. 2025) (en banc), *cert. denied*, 2026 WL 135692 (Jan. 20, 2026), which held that section 922(g)(1) is constitutional under the Second Amendment as applied to nonviolent felons, *id.* at 748.

We also decline Jeffrey’s request, raised for the first time in his reply brief,

for supplemental briefing regarding *United States v. Hemani*, 608 U.S. 772 (2026). *Hemani* addressed 18 U.S.C. § 922(g)(3), which disarms an individual who is an “unlawful user of” or “addicted to” a “controlled substance,” whereas this case involves section 922(g)(1), which disarms individuals convicted of felonies. *Hemani* also expressly declined to decide the constitutionality of section 922(g)(1). *Id.* at 794 (“We do not address [§] 922(g)(1)’s provision disarming individuals convicted of felonies . . . None of those issues is before us and we do not pass on them either way.”). *Hemani* is therefore not “clearly irreconcilable” with *Duarte*, and we remain bound by *Duarte*. See *Miller v. Gammie*, 335 F.3d 889, 893 (9th Cir. 2003) (en banc) (permitting a three-judge panel to treat circuit authority as overruled only where intervening higher authority is “clearly irreconcilable” with it). Thus, we affirm the district court’s denial of Jeffrey’s motion to dismiss the indictment. See *Duarte*, 137 F.4th at 748.

AFFIRMED.