UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 24-1440

UNITED STATES OF AMERICA

v.

DARRYL CRAIG,
Appellant

On Appeal from the U.S. District Court, W.D. Pa.
Judge Joy Flowers Conti, No. 2:21-cr-00338-001

Before: MONTGOMERY-REEVES, ROTH, and AMBRO, *Circuit Judges*
Submitted: Oct. 21, 2026; Filed: Oct. 22, 2026

NONPRECEDENTIAL OPINION[*]

MONTGOMERY-REEVES, *Circuit Judge*.

Darryl Craig pleaded guilty to possession of ammunition by a convicted felon, in violation of 18 U.S.C. § 922(g)(1). Craig was sentenced to time served and three years of supervised release. On appeal, he argues that 18 U.S.C. § 922(g)(1) is facially unconstitutional under *United States v. Rahimi*, 602 U.S. 680 (2024), so his conviction should be reversed.[1] We disagree.[2]

A facial challenge is "the 'most difficult challenge to mount successfully,' because it requires a defendant to 'establish that no set of circumstances exists under which the [challenged statute] would be valid.'" *Rahimi*, 602 U.S. at 693 (quoting *United States v. Salerno*, 481 U.S. 739, 745 (1987)). "[T]o prevail, the Government need only demonstrate that [the statute] is constitutional in *some* of its applications." *Id.* (emphasis added). It has done so here.

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[*] This is not an opinion of the full Court and, under 3d Cir. IOP 5.7, is not binding precedent.

[1] The District Court had jurisdiction pursuant to 18 U.S.C. § 3231, and this Court has jurisdiction under 28 U.S.C. § 1291. We exercise plenary review over a statute's constitutionality. *United States v. Rodia*, 194 F.3d 465, 469 (3d Cir. 1999).

[2] The Government's motion for judicial notice (ECF No. 58) is denied.

In the wake of *Rahimi*, we have upheld applications of § 922(g)(1) against constitutional challenges in precedential opinions. *United States v. Moore*, 111 F.4th 266, 271–72 (3d Cir. 2024) (supervised release context); *United States v. Quailes*, 126 F.4th 215, 224 (3d Cir. 2025) (parole or probation context); *United States v. Bost*, No. 24-1719, 2026 WL 3058147 at *1 (3d Cir. Oct. 13, 2026) (en banc) (terroristic threats conviction context). Our binding precedent forecloses Craig's appeal. Because he makes only a facial challenge, it is immaterial that his case is distinguishable from *Moore*, *Quailes*, or *Bost*. So the Government met its burden, and we will AFFIRM.[3]

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[3] In his reply brief, Craig seems to assert, for the first time, an as-applied challenge. But he did not make an as-applied challenge before the District Court, did not preserve it for appeal in his plea agreement, and did not make that argument in his opening brief. So he forfeited any as-applied challenge, and we see no extraordinary circumstances to excuse his forfeiture. *See United States v. Dowdell*, 70 F.4th 134, 140–41 (3d Cir. 2023). Additionally, Craig's argument that *Rahimi* blurred the lines between facial and as-applied challenges, such that his facial challenge was also an as-applied challenge, fails. *Rahimi* emphasized that facial challenges require the defendant to "establish that no set of circumstances exists under which the [challenged statute] would be valid." 602 U.S. at 693 (quoting *Salerno*, 481 U.S. at 745). No lines were blurred, and this challenge fails.