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Case No. 25-1886

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

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KELLY L. STEPHENS, Clerk

UNITED STATES OF AMERICA, Plaintiff-Appellee, v. LAMELL PARKER, Defendant-Appellant.	)	ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN OPINION

Before: KETHLEDGE, Chief Judge; COLE and MATHIS, Circuit Judges.

MATHIS, Circuit Judge. A grand jury charged Lamell Parker with possessing a firearm as a felon, in violation of 18 U.S.C. § 922(g)(1). Parker moved to dismiss the indictment, arguing that § 922(g)(1) violated the Second Amendment as applied to him. The district court denied his motion, and Parker conditionally pleaded guilty. Parker now appeals the district court's denial of his motion to dismiss. We affirm.

I.

In August 2024, officers with the Grand Rapids Police Department pulled over a vehicle driven by Lamell Parker for various traffic violations. They arrested Parker for driving without a valid license. Officers searched the vehicle, finding a loaded handgun in a cross-body bag partially under the driver's seat. During a post-arrest interrogation, Parker stated that he owned the firearm for protection.

A grand jury indicted Parker with one count of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). Parker moved to dismiss the indictment, arguing that § 922(g)(1) violated the Second Amendment as applied to him. The district court denied the motion to dismiss. Parker then pleaded guilty but reserved his right to appeal the district court's denial of his motion to dismiss. At the time of his felon-in-possession conviction in this case, Parker had several prior felony and misdemeanor convictions, including convictions for assaulting, resisting, or obstructing a police officer; possessing a firearm as a felon; and carrying a concealed weapon.

After the district court sentenced Parker, this appeal followed.

II.

Parker argues that § 922(g)(1) violates the Second Amendment as applied to him. We review his constitutional challenge de novo. *United States v. Taylor*, 165 F.4th 1029, 1032 (6th Cir. 2026).

The Second Amendment provides: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." U.S. Const. amend. II. This Amendment protects the right of "ordinary, law-abiding citizens," *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 9 (2022), "to keep and bear firearms for self-defense," *United States v. Hemani*, 608 U.S. 772, 779 (2026). "Like most rights, the right secured by the Second Amendment is not unlimited." *District of Columbia v. Heller*, 554 U.S. 570, 626 (2008). Thus, Congress can impose some regulations on the possession of firearms. *Hemani*, 608 U.S. at 779.

The Supreme Court has established a two-step test to determine when a firearm regulation infringes the right to keep and bear arms. At the first step, we consider whether the "Second Amendment's plain text covers an individual's conduct." *Bruen*, 597 U.S. at 24. If an individual

shows that the Second Amendment covers his conduct, "the Constitution presumptively protects" that conduct. *Hemani*, 608 U.S. 780 (citation modified). We then proceed to the second step, which calls on us to consider whether the government's "regulatory efforts are consistent with the Nation's historical tradition of firearm regulation." *Id.* (citation modified). "When a challenged regulation does not precisely match its historical precursors, it still may be analogous enough to pass constitutional muster." *United States v. Rahimi*, 602 U.S. 680, 692 (2024) (citation modified).

The firearm regulation we address is § 922(g)(1). It prohibits "any person" who has been convicted of "a crime punishable by imprisonment for a term exceeding one year" from possessing "any firearm." 18 U.S.C. § 922(g)(1).

In *United States v. Williams*, 113 F.4th 637 (6th Cir. 2024), we reconsidered the constitutionality of § 922(g)(1) following *Bruen* and *Rahimi*. There, we determined that although felons are among "the people" protected by the Second Amendment, "our nation's history and tradition demonstrate that Congress may disarm individuals they believe are dangerous." *Williams*, 113 F.4th at 649, 657. We held that § 922(g)(1) is "constitutional . . . as applied to dangerous people." *Id.* at 662–63. So for an as-applied challenge, the defendant bears the burden of showing that he is not dangerous. *Id.* at 657. "In determining whether an individual has met his burden," courts take into account a defendant's "entire criminal record—not just the predicate offense for purposes of § 922(g)(1)." *Id.* at 657–58.

We have categorized convictions based on how probative of dangerousness they are. *Id.* at 658–59. The first category is "crimes against the person," like "murder, rape, assault, and robbery." *Id.* at 658. "Offenses in this category speak directly to whether an individual is dangerous." *Id.* The second category of crimes, which includes drug trafficking and burglary, "put someone's safety at risk" even though they are "not strictly crimes against the person." *Id.* at 659.

The third category includes crimes such as mail fraud and making false statements. *Id.* Many of these offenses do not make an individual dangerous. *Id.*

Parker argues that he is not dangerous, namely because his prior convictions did not involve significant physical harm to others. Based on the nature of the present offense and his criminal history, we disagree.

The circumstances of the present offense suggest dangerousness. *See United States v. Morton*, 123 F.4th 492, 499 (6th Cir. 2024) ("[W]e are not confined to the fact of conviction alone, but may consider how an offense was committed."). First, Parker possessed a loaded handgun, which is "inherently dangerous." *See United States v. Poe*, No. 24-6014, 2025 WL 1342340, at *3 (6th Cir. May 8, 2025). And the gun was within Parker's immediate reach under his seat, "presumably for quick access and use." *See id.* Moreover, by Parker's own admission, he "was under the influence of alcohol and marijuana" at the time. R. 53, PageID 257. Indeed, "loaded and concealed weapons are dangerous in the 'wrong hands'—like the hands of a person federally banned from possessing firearms." *United States v. Suggs*, No. 24-2059, 2025 WL 2978046, at *3 (6th Cir. Oct. 22, 2025).

Parker's criminal history also indicates that he is dangerous. In 2023, he was convicted of carrying a concealed weapon and possessing a firearm as a felon. Officers pulled Parker over for traffic violations and found a stolen handgun during a vehicle search. Parker's "multiple convictions for unlawfully possessing firearms" show "his propensity for having weapons with him when he shouldn't." *Poe*, 2025 WL 1342340, at *3. Moreover, his conviction for carrying a concealed weapon is a "dangerous felon[y]" that "fall[s] into *Williams*'s second category of conduct that inherently poses a significant threat of danger to others." *See United States v. Coward*,

No. 24-1885, 2025 WL 2694156, at *3 (6th Cir. Sept. 22, 2025) (quotation omitted); *Suggs*, 2025 WL 2978046, at *3.

Parker's criminal history does not end there. In 2017, he was convicted of assaulting, resisting, or obstructing a police officer. After a woman reported that her purse was missing from her vehicle, an officer stopped Parker because his clothing matched the suspect's. Following a pat down, Parker began looking around as if preparing to flee, prompting the officer to grab his shirt. Parker twisted from the officer's grip and ran away. Officers eventually located and arrested him.

Parker's conviction for assaulting, resisting, or obstructing a police officer militates against Parker proving he is not dangerous. A felon may be disarmed if he has committed "a crime that inherently poses a significant threat of danger," even if the crime does not "involve an immediate and direct threat of violence against a particular person." *Williams*, 113 F.4th at 659, 663. Parker posed a significant threat of danger. By pulling away from the officer's grip and fleeing the scene, Parker "create[ed] the possibility of a violent confrontation." *See id.* at 659; *cf. United States v. Craft*, No. 24-1624, 2025 WL 2888040, at *3 (6th Cir. Oct. 10, 2025) (concluding that the defendant was dangerous based in part on multiple convictions of "attempted resisting and obstructing a police officer" during a traffic stop); *United States v. Black*, No. 23-1622, 2025 WL 1356614, at *2 (6th Cir. May 9, 2025) (per curiam) (rejecting an as-applied Second Amendment challenge to a § 922(g)(1) conviction on plain-error review where the defendant had been convicted of instances of assaulting, resisting, or obstructing a police officer). Such conduct forces officers to make split-second decisions to protect themselves and the public. So Parker's conviction for assaulting, resisting, or obstructing a police officer makes it "very difficult" for him to show that "he is not dangerous." *See Williams*, 113 F.4th at 663.

Based on his offense conduct and his criminal history, Parker has failed to prove that he is not a dangerous person that Congress can disarm. *See id.* at 662. Thus, § 922(g)(1) is constitutional as applied to him.

III.

For these reasons, we **AFFIRM** the district court's judgment.