Seventh Circuit Update - 2026

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Appellate Practice

***United States v. Scott,* 150 F.4th 929 (7th Cir. 2025).**

- Scott argued his conviction under § 922(g)(1) was unconstitutional.
- Scott merely adopted the arguments he made in the district court.
- The Court of Appeals remarked, “a litigant’s attempt to incorporate by reference arguments on issues made to the district court is unacceptable and cannot serve as a valid presentation of the argument on appeal.”
- The Court determined this issue had been waived.

Appellate Practice

***United States v. Matthews & Brannan,* 140 F.4th 893 (7th Cir. 2025).**

- Defendants were found guilty of mail fraud and money laundering and challenged the sufficiency of the evidence.
- The Court noted “inexcusable deficiencies in their briefs in our court” including the “complete failure to comply with Circuit Rule 30(b)(1)”
- Rule 30(b)(1) requires the appellant attach all ‘opinions, orders, or oral rulings in the case that address the issues sought to be raised.’
- Ultimately, both lawyers were fined $1,000

Appellate Practice

***United States v. Andrews,* 2026 WL 1020526 (7th Cir. Apr. 15, 2026).**

- Andrews was convicted of possessing four firearms in furtherance of a drug trafficking crime.
- Counsel certified the required materials were present in the appendix under Circuit Rule 30 but had omitted the district court's oral ruling.
- The Court detailed the effects of failure to follow Rule 30 and the consequences of false representations to the Court.
- Removed counsel from the list of lawyers who may be appointed under the Criminal Justice Act in the Seventh Circuit.

Appellate Practice

***Dec v. Mullin,* 171 F.4th 940 (7th Cir. 2026)**.

- In this civil case, the Court addressed the use of artificial intelligence in the petitioner's brief.
- The brief included non-existent citations and a false quotation.
- The Court admonished all counsel to check the accuracy of legal citations and quotations in their filings
- Circuit Rules require that lawyers "not knowingly misrepresent, mischaracterize, misquote, or miscite facts or authorities in any oral or written communication to the court."

Bail Reform Act

***United States v. Juarez-Perez,* 162 F.4th 818 (7th Cir. 2025).**

- In a rare opinion regarding pretrial release, the Court of Appeals agreed with the district court and denied Juarez-Perez's motion for release.
- The Court noted ICE's decision to lodge a detainer against Juarez-Perez alongside his criminal prosecution does not obviate the need to apply the statutory factors enumerated in § 3142(g) informing pretrial release.
- The district court's decision must be whether detention is appropriate under the Bail Reform Act.
- The Court emphasized that detention decisions under the Bail Reform Act requires an assessment of the individual circumstances of the defendant.

Second Amendment

***United States v. Reyna,* 165 F.4th 1056 (7th Cir. 2026).**

- Reyna argued his conviction for possessing a firearm with an obliterated serial number in violation of 18 U.S.C. § 922(k) was unconstitutional.
- The Court affirmed, holding modern regulations are constitutional if the challenged regulation is "consistent with the principles that underpin our regulatory tradition."
- The modern requirement of serialization is similar to founding-era laws and practices requiring firearms to be marked or stamped, inventoried, and inspected.

Second Amendment

***United States v. Carbajal-Flores,* 143 F.4th 877 (7th Cir. 2025).**

- Carbajal-Flores was arrested for possessing a firearm as an illegal alien in violation of 18 U.S.C. § 922(g)(5)(A).
- The district court dismissed the indictment, finding merit in Carbajal-Flores's as-applied challenge under the Second Amendment to the statute.
- The Court of Appeals reversed and remanded, holding "a long tradition exists of disarming individuals, like illegal aliens, who have not sworn allegiance to the sovereign."

Second Amendment

***United States v. Seiwert,* No. 23-2553**

- Seiwert has suffered from addiction to heroin and crack cocaine for the past twenty years.
- A jury convicted Seiwert on two counts of 18 U.S.C. § 922(g)(3), which prohibits users of unlawful drugs and those addicted to such drugs from possessing a firearm.
- On the day he was found with firearms, Seiwert told officers he had used crack cocaine just a couple of hours earlier and that he had used crack cocaine and heroin every day for twenty years.
- On appeal, Seiwert argued that § 922(g)(3) violates the Second Amendment and is unconstitutionally vague.
- The Court of Appeals affirmed. Applying the framework the Supreme Court announced *Bruen*, the Court concluded that § 922(g)(3) does not violate the strictures of the Second Amendment as applied to Seiwert.

Second Amendment

***United States v. Prince*, 171 F.4th 1009 (7th Cir. 2026).**

- Prince was charged with being a felon in possession under § 922(g)(1).
- The district court granted his motion to dismiss based on *Bruen,* finding that § 922(g)(1) was facially unconstitutional.
- The government appealed.
- The Court of Appeals reversed and remanded and joined every other circuit in holding that § 922(g)(1) is not facially unconstitutional.

Second Amendment

***United States v. Watson,* 171 F.4th 1012 (7th Cir. 2026).**

- Watson argued § 922(g)(1) was unconstitutional as applied to him.
- Prior felony conviction for possession with intent
- The Court first found that felons are part of the "the people."
- Barring felons like Watson is consistent with the historical tradition of firearm regulation.
- Possession with intent to distribute is a dangerous felony.
- As applied to Watson, § 922(g)(1) is constitutional because his previous felony drug-dealing conviction is inherently dangerous.
- The Court specifically did not decide whether an individual with a non-dangerous felony can be disarmed.

Fourth Amendment

***United States v. Walker,*143 F.4th 889 (7th Cir. 2026).**

- Officers arrested Walker at the front door of the residence of his girlfriend. After arresting Walker, officers performed a protective sweep of the residence, discovering and seizing a loaded firearm beneath the mattress in the son's bedroom.
- The Court of Appeals reversed the district court's denial of the motion to suppress.
- Officers may not conduct a protective sweep following an arrest merely because others may be present.
- "A protective sweep requires officers to have reason to believe the premises harbor not just a person, but a person who poses a *danger* to those on the scene."
- Even if the protective sweep was justified, lifting the mattress in the son's bedroom rendered the sweep unlawful in scope.

Fourth Amendment

***United States v. Felton,* 159 F.4th 1128 (7th Cir. 2025).**

- On appeal, Felton challenged the district court's denial of his motion to suppress and request for a *Franks* hearing.
- The Court of Appeals reversed and remanded for an evidentiary hearing.
- The only evidence tying Felton to the drug activity was a source's uncorroborated tip and contained no details about the source's relationship with Felton or the origin of the knowledge about drug activity.
- The affidavit also failed to list the source's extensive criminal history and receipt of payments for cooperation – critical information regarding credibility.

Fourth Amendment

United States v. Blocker, **2026 WL 1217809 (7th Cir. May 5, 2026).**

- Dropbox informed the National Center for Missing and Exploited Children that it found child pornography in files Blocker shared using Dropbox. The Center informed the FBI, who executed a search warrant.
- Blocker filed a motion to suppress arguing that Dropbox and the Center's actions were unconstitutional because Dropbox searched his files without probable cause or a warrant. He argued Dropbox and the Center's actions were attributable to the government and the Fourth Amendment applied.
- The Court of Appeals held Blocker consented to the search when he agreed to the terms of service, which allow Dropbox to review stored data to ensure that it is being used lawfully.
- The Court noted that the Tenth Circuit has held that the Center is part of the government. The Court assumed the Tenth Circuit was correct but did not specifically decide the issue.

Armed Career Criminal Act ("ACCA")

***United States v. Santana,* 141 F.4th 847 (7th Cir. 2025).**

- Santana pled guilty to unlawful possession of a firearm as a convicted felon.
- His sentence was enhanced under the Armed Career Criminal Act after the district judge found by a preponderance of the evidence that Santana had three prior convictions for violent felonies committed "on occasions different from one another."
- The Court of Appeals, reviewing for plain error, agreed the district court violated *Erlinger* and remanded.
- Having increased Santana's possible sentence from a ten-year maximum to a fifteen-year minimum, the plain error affected his substantial rights.
- This error also unacceptably undermined the fairness and integrity of the proceedings, because a reasonable jury might find a reasonable doubt about whether two of his three prior violent felonies were committed on different occasions.

Armed Career Criminal Act ("ACCA")

***United States v. Beasley,* 163 F.4th 403 (7th Cir. 2025).**

- Beasley was convicted by a jury under 18 U.S.C. § 922(g)(1) of possessing a firearm as a convicted felon.
- The district court, finding Beasley had three prior convictions for violent crimes, sentenced Beasley under the Armed Career Criminal Act.
- On appeal, Beasley argued a jury rather than a judge should have made the fact-intensive determination of whether his prior convictions occurred on "different occasions" under ACCA.
- The Court of Appeals affirmed, agreeing that the sentencing court erred under *Erlinger* by declining to send the different-occasions question to the jury but finding the error was harmless.

Trial Issues

***United States v. Clark & Mesner,* 140 F.4th 395 (7th Cir. 2025).**

- Clark and Mesner were charged with a variety of federal offenses following a grain mill explosion.
- The Court of Appeals vacated Mesner's conviction for conspiracy to violate 18 U.S.C. § 1505 or § 1001(a)(3) under 18 U.S.C. § 371.
- The government "all but conceded" there was insufficient evidence to convict Mesner of a conspiracy to violate § 1505 because it presented no evidence that Mesner had knowledge of the factual basis for the conspiracy.

Trial Issues

***United States v. Coleman,* 138 F.4th 489 (7th Cir. 2025).**

- Coleman argued the district court constructively and unconstitutionally amend his indictment by issuing generic jury instructions despite a very specific indictment.
- First, trial counsel stated "no objection" to the jury instructions in the district court and the Court questioned whether this was forfeiture or waiver of a jury instruction issue on appeal.
  - The Court noted its case law "is in some tension" as to whether a statement of "no objection" is waiver or forfeiture and found it was forfeiture here.
- Second, the Court clarified its law on constructive amendment and warned district courts and parties that a mismatch between the indictment and a jury instruction risks constructive amendment.
  - However, because of the plain error review in this case, the Court found the error did not prejudice Coleman.

Trial Issues

***United States v. McLain,* 146 F.4th 602 (7th Cir. 2025).**

- McLain was convicted of attempted enticement of a minor and traveling with intent to engage in illicit sexual activity.
- On appeal, McLain argued the district court erred in excluding his experts.
- No abuse of discretion in excluding expert testimony about McLain's mental health condition because the testimony failed to establish a link between his impaired decision making and his lack of intent to entice a minor.
- The court also properly excluded expert testimony about his physical condition following a stroke because the jury could observe the defendant's demeanor and the defendant testified about his condition.

Sentencing

***United States v. Wilkinson,* 139 F.4th 583 (7th Cir. 2025).**

- The government sought an enhanced sentence pursuant to 21 U.S.C. § 851.
- Before a trial or before a defendant enters a guilty plea, prosecutors must state which previous convictions they seek to rely on for any sought enhancements.
- The Court held that the procedures in § 851(a)(1) were not followed in this case.
- The government gave Wilkinson notice of a prior conviction in a § 851 notice.
- After Wilkinson pled guilty, the government realized that this conviction could not enhance his sentence. So, it asked the district court to enhance Wilkinson's sentence based on a different prior conviction.
- The Court reversed because the government had not provided appropriate notice.

Supervised Release

***United States v. Snake,* 140 F.4th 379 (7th Cir. 2025).**

- Snake completed his prison sentence in 2020 and began serving a lifetime term of supervised release.
- He violated several conditions of his release.
- The district court revoked his supervised release and sentenced him to 24 months.
- On appeal, Snake argued that the district court failed to explain adequately its reasons for imposing a sentence above the range.
- The Court of Appeals affirmed, encouraging sentencing judges "to ask the parties, before concluding a sentencing hearing, if they believe the court has sufficiently explained its decision so that arguable problems can be addressed on the spot rather than on appeal."

Supervised Release

***United States v. Isbell,* 148 F.4th 557 (7th Cir. 2025).**

- Isbell violated several conditions of his supervised release.
- On appeal, he raised several challenges to the conditions of supervised release.
- The Court of Appeals held that the condition allowing medical marijuana use except when engaged in a treatment program which prohibited substances that impair functioning did not improperly delegate Article III power to treatment providers.
- The Court noted that the medical marijuana provision "gives us pause" because federal law prohibits the use of marijuana and the district court's condition overrides those mandates.
- However, neither party addressed that portion of the condition so the Court did not consider the issue.

Supervised Release

***United States v. Zahursky,* 2026 WL 947818 (7th Cir. Apr. 8, 2026).**

- Zahursky was facing revocation of his term of supervised release.
- Pursuant to 18 U.S.C. § 3401(i), a magistrate judge conducted the hearing that precipitated Zahursky's revocation.
- The magistrate judge recommended a disposition and sentence, which the district judge adopted in writing, without a second hearing.
- Zahursky aargued the district court erred by revoking his supervised release and imposing a sentence of imprisonment without conducting a second hearing at which Zahursky could appear before and allocute directly to the district judge.
- The Court of Appeals affirmed, over dissent.
- The Court noted the district court employed this "uncommon procedure" but it is permitted by Section 3401(i) and Federal Rule of Criminal Procedure 32.1.

Rule 35 Motions

***United States v. Johnston,* 158 F.4th 870 (7th Cir. 2025).**

- Johnston provided substantial assistance while serving his term of imprisonment.
- The government moved for a reduction in Johnston's sentence under Rule 35(b) but filed it late. The government waived the deadline and the district court considered the motion.
- The Court of Appeals had previously held that the time limit in Rule 35(b) is jurisdictional.
- However, given the Supreme Court's decision in *Hamer v. Neighborhood Hous. Servs. of Chi.*, 583 U.S. 17, 19 (2017), it determined Rule 35(b) is a nonjurisdictional claim-processing rule, enforceable if properly raised but waived if not.

Questions?

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