UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-4762

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DERRICK MICHAEL ALLEN, SR.,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Loretta C. Biggs, District Judge. (1:17-cr-00157-LCB-1)

Submitted: August 16, 2018 Decided: August 20, 2018

Before WYNN and DIAZ, Circuit Judges, and SHEDD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Kearns Davis, Daniel D. Adams, BROOKS PIERCE MCLENDON HUMPHREY & LEONARD LLP, Greensboro, North Carolina, for Appellant. Matthew G.T. Martin, United States Attorney, Kyle D. Pousson, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

PER CURIAM:

Derrick Michael Allen, Sr., appeals his conviction for possessing a firearm while subject to a court restraining order, in violation of 18 U.S.C. § 922(g)(8) (2012). On appeal, Allen contends that the district court erred in failing to instruct the jury that in order to be convicted, Allen must have known he was subject to a court order at the time he possessed a firearm. Our precedent confirms that the Government was required only to establish that Allen knowingly possessed the firearm, not that he knew of his prohibited status. *United States v. Langley*, 62 F.3d 602, 606 (4th Cir. 1995) (en banc); *see also United States v. Mitchell*, 209 F.3d 319, 322 (4th Cir. 2000) (noting that knowledge requirement stated in *Langley* and *Bryan v. United States*, 524 U.S. 184 (1998), "has been applied without exception by this and other circuits when interpreting § 924(a)(2)'s application to subsection (g) firearm possession crimes"). Although Allen urges us to overturn the decision in *Langley*, "[t]his panel of the court is bound by [an] en banc decision . . . unless it is later supplanted by an en banc decision by this court or by a subsequent decision of the United States Supreme Court." *Ross v. Reed*, 704 F.2d 705, 707 (4th Cir. 1983).

Accordingly, we affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED