

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

ORDER

Plaintiff,

v.

10-cr-165-bbc

STEVE HENNING,

Defendant.

The grand jury has charged defendant Steve Henning with knowing and unlawful possession of a firearm as an unlawful user of a controlled substance in violation of 18 U.S.C. § 922(g)(3). Henning has filed a motion to dismiss the indictment against him on the ground that the charge is unconstitutional. See Dkt. #17 Henning acknowledges that the Court of Appeals for the Seventh Circuit recently held that this statute is constitutional, see United States v. Yancey, 621 F.3d 681 (7th Cir. 2010), but he wishes to preserve the issue pending any Supreme Court review of United States v. Skoien, 614 F.3d 638 (7th Cir. 2010)(*en banc*), the case on which Yancey principally relies, and which Henning contends was wrongly decided. Fair enough: Henning has preserved the issue and his motion to dismiss shall be denied.

ORDER

IT IS ORDERED that defendant Steve Henning's motion to dismiss the indictment against him is DENIED.

Entered this 29th day of December, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge