UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 27th day of October, two thousand twenty-six.

PRESENT: RAYMOND J. LOHIER, JR.,
Chief Judge,
AMALYA L. KEARSE,
MICHAEL H. PARK,
Circuit Judges.

UNITED STATES OF AMERICA,

Appellee,

v. No. 24-2613-cr

NICK LAGUNA,

Defendant-Appellant.

FOR DEFENDANT-APPELLANT:	DANIEL HABIB (Matthew B. Larsen, *on the brief*), Federal Defenders of New York, Inc. Appeals Bureau, New York, NY
FOR APPELLEE:	DIARRA M. GUTHRIE (Nathan Rehn, *on the brief*), Assistant United States Attorneys, *for* Matthew Podolsky, Acting United States Attorney for the Southern District of New York, New York, NY

Appeal from a judgment of the United States District Court for the Southern District of New York (Jennifer H. Rearden, *Judge*).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the judgment of the District Court is AFFIRMED.

Defendant-Appellant Nick Laguna appeals from a September 23, 2024 judgment of conviction entered by the United States District Court for the Southern District of New York (Rearden, *J.*) following his guilty plea to possession of a firearm in violation of 18 U.S.C. § 922(g)(1). The District Court sentenced Laguna to forty-six months' imprisonment to be followed by three years of supervised release, including a special condition requiring Laguna to submit his "computer, other electronic communication, data storage devices,

[and] cloud storage or media . . . to a search by any United States Probation Officer" at "a reasonable time and in a reasonable manner" when "there is reasonable suspicion concerning [a] violation of a condition of supervision or unlawful conduct." App'x 57. We assume the parties' familiarity with the underlying facts and the record of prior proceedings, to which we refer only as necessary to explain our decision to affirm.

I. 18 U.S.C. § 922(g)(1)

Laguna argues that his conviction should be vacated because 18 U.S.C. § 922(g)(1) is unconstitutional as applied to his conduct in light of *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022). We review this argument for plain error because Laguna did not raise it before the District Court. *See, e.g.*, *United States v. Santiago*, 238 F.3d 213, 215 (2d Cir. 2001). In *Zherka v. Bondi*, we held that § 922(g)(1) is constitutional even as applied to convicted felons with nonviolent predicate crimes of conviction. *See* 140 F.4th 68, 93 (2d Cir. 2025). Because *Zherka* applies *a fortiori* to firearm dispossession following a *violent* predicate crime of conviction like Laguna's, we affirm Laguna's conviction for possessing a firearm as a convicted felon in violation of § 922(g)(1). *See id.* at 92–94; *United States v. Delgado*, 149 F.4th 244, 249 (2d Cir. 2025).

II. Supervised Release Condition

"We generally review the imposition of conditions of supervised release for abuse of discretion." *United States v. Robinson*, 134 F.4th 104, 109 (2d Cir. 2025) (quotation marks omitted). But "[w]hen a challenge to a condition of supervised release presents an issue of law," we "review the imposition of that condition *de novo*, bearing in mind that any error of law necessarily constitutes an abuse of discretion." *United States v. Oliveras*, 96 F.4th 298, 304 (2d Cir. 2024) (quotation marks omitted).

Laguna challenges the procedural reasonableness of the electronic search condition on the ground that "[t]he [D]istrict [C]ourt's reasons for imposing the . . . condition were cursory and generic."[1] Reply Br. 3; *see* Appellant's Br. 19–21. We disagree. When imposing a special condition of supervised release, a district court "must make an individualized assessment . . . and state on the record the reason for imposing it." *United States v. Sims*, 92 F.4th 115, 123 (2d Cir. 2024) (citation modified). A district court must "make findings specific to the

[1] In his opening brief, Laguna also challenges his sentence on the ground that first-degree manslaughter in violation of New York Penal Law § 125.20(1) is not a "crime of violence" under § 4B1.2(a) of the United States Sentencing Guidelines. As Laguna concedes, *United States v. Scott*, 990 F.3d 94, 101, 107 (2d Cir. 2021) (en banc), forecloses this claim, and *Delligatti v. United States*, 604 U.S. 423, 433–437 (2025), does not abrogate *Scott*.

defendant, connecting those findings to the [18 U.S.C.] § 3553(a) factors," and must determine that the special condition is "reasonabl[y] relat[ed]" to those factors. *Id.* at 123–24 (quotation marks omitted).

The District Court satisfied its obligation when it stated that it was imposing the condition "[i]n light of [Laguna's] history" and "offense conduct" as well as "for the protection of the community," App'x 45–46—all factors discussed at length in the presentence report recommending the electronic search condition that the District Court adopted. *See United States v. Browning*, 185 F.4th 349, 359 (2d Cir. 2026) (upholding an electronic search condition where "there [was] a sufficient relationship between the special condition and at least one of the [§ 3553(a)] factors," including "the history and characteristics of the defendant, and the need for the sentence imposed to afford adequate deterrence and to protect the public from further crimes of the defendant" (quotation marks omitted)); *United States v. Lawrence*, 139 F.4th 115, 124 (2d Cir. 2025) (upholding an electronic search condition where the district court adopted the recommendations in the presentence report, which "contained a lengthy discussion of [defendant's] criminal history, personal background, and offense conduct").

Moreover, "[t]he [District C]ourt's reliance on these factors was amply supported by the record." *United States v. Thompson*, 143 F.4th 169, 179 (2d Cir. 2025) (concluding that "the need for the [electronic search] condition was self-evident in the record given the defendant's criminal history and extensive history of recidivism" (quotation marks omitted)). The District Court found, and the record reflects, that Laguna "has had a long and unbroken [history] of criminal conduct spanning nearly three decades," resulting in at least sixteen arrests and thirteen convictions, App'x 39, 41; that Laguna "has not been deterred from continuing to commit offenses" despite lengthy "prior terms of incarceration," App'x 40, 42; and that Laguna had multiple violations of parole, *see* App'x 42. We have held under similar circumstances that electronic search conditions are reasonably related to a defendant's history and characteristics and the need for deterrence. *See Browning*, 185 F.4th at 358–59; *Thompson*, 143 F.4th at 179; *Robinson*, 134 F.4th at 111–12. The District Court therefore did not abuse its discretion in imposing the condition here.[2]

[2] To the extent that Laguna submits that the electronic search condition is unreasonable because the nature and circumstances of his underlying conviction did not involve the use of electronics, that argument is foreclosed by our precedents. *See Robinson*, 134 F.4th at 112; *Lawrence*, 139 F.4th at 125; *Browning*, 185 F.4th at 359–60.

Laguna alternatively challenges the substantive reasonableness of the electronic search condition, arguing that the condition is not narrowly tailored to a compelling government interest. We are not persuaded by this argument either. Although a condition must be narrowly tailored when "the liberty interest at stake is fundamental," *United States v. Myers*, 426 F.3d 117, 126 (2d Cir. 2005), we have repeatedly held that an electronic search condition "that requires reasonable suspicion does not implicate . . . a fundamental [liberty] interest," *Browning*, 185 F.4th at 358–59 (quoting *Lawrence*, 139 F.4th at 125); *see also United States v. Lewis*, 125 F.4th 69, 77 (2d Cir. 2025). Because the electronic search condition here requires "reasonable suspicion" to search Laguna's electronic devices and also requires that "[a]ny search . . . be conducted at a reasonable time and in a reasonable manner," App'x 57, the electronic search condition is sufficiently narrowly tailored, *see Lewis*, 125 F.4th at 77 (2d Cir. 2025).

We have considered Laguna's remaining arguments and conclude that they are without merit. For the foregoing reasons, the judgment of the District Court is AFFIRMED.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court