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Case No. 25-3961

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

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KELLY L. STEPHENS, Clerk

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. MICHAEL L. BLOOMFIELD, Defendant - Appellant.	)	ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO O P I N I O N

Before: McKEAGUE, STRANCH, and MATHIS, Circuit Judges.

McKEAGUE, Circuit Judge. Michael Bloomfield pleaded guilty to possessing a firearm as a felon, and he was sentenced to twenty months' imprisonment. He argues the felon-in-possession statute is unconstitutional as applied to him. But because Bloomfield hasn't shown that he is not dangerous, we **AFFIRM.**

I.

A 2023 report from the National Center for Missing and Exploited Children (NCMEC) indicated that child pornography was connected with an IP address registered to a home where Michael Bloomfield lived with his brother. So the Van Wert County Sheriff's Office searched the residence. There, they found ammunition and five firearms, all in Bloomfield's bedroom—four under his bed and one in a holster strapped to a bedpost.

It was illegal for Bloomfield to possess those guns because he has a prior felony conviction for receipt of child pornography. So a grand jury indicted Bloomfield for possessing a firearm as a felon. The indictment listed only two of the five recovered guns, one that contained his DNA and another that he originally purchased, according to ATF tracing. The others were either purchased by Bloomfield's brother or were untraceable, and they didn't have Bloomfield's DNA on them.

Bloomfield moved to dismiss the indictment, arguing that the federal felon-in-possession statute is unconstitutional on its face and as applied to him. Bloomfield's criminal history consists of one conviction from 2011 for receipt of child pornography. In that case, a search of Bloomfield's computer revealed 71 videos and 52 still images of child pornography. The NCMEC confirmed that the images and videos included known, identified minor victims. The investigation also revealed online chats where Bloomfield requested a photo of an undercover investigator's twelve-year-old daughter and fantasized about raping her. Bloomfield denied "hands-on sexual contact with any children," but polygraph testing on that question indicated deception.

At sentencing for his child pornography conviction, Bloomfields's guideline range was 97–121 months. That range resulted, in part, from the trial court's application of four enhancements. One was for using a computer, but the other three were child-pornography specific enhancements: two levels for media depicting prepubescent minors, four levels for media depicting sadistic or masochistic conduct, and five levels for the number of images. But the court varied downward. Although it found Bloomfield's online chats "troublesome," his background, history, steady employment, lack of criminal history, and lack of "hands-on activity towards children" were positive factors. Ultimately, the court sentenced him to 70 months' imprisonment and 5 years' supervised release. And as a result of his conviction, Bloomfield had to register as a sexual offender under the Sex Offender Registration and Notification Act (SORNA).

Based on that history, the district court found that Bloomfield did not carry his burden to show he is not dangerous. So it denied the motion to dismiss in a written order. After that, Bloomfield pleaded guilty. His plea agreement included an appeal waiver, but he reserved the right to appeal the denial of his motion to dismiss. The district court sentenced him to twenty months' imprisonment and three years' supervised release. This appeal followed. Here, Bloomfield raises only his as-applied challenge.

II.

Bloomfield argues that his conviction is invalid because 18 U.S.C. § 922(g)(1) is unconstitutional as applied to him. We review the district court's legal conclusion that § 922(g)(1) is unconstitutional as applied to Bloomfield de novo.[1] *United States v. Loney*, 331 F.3d 516, 524 (6th Cir. 2003).

A.

The Second Amendment protects an individual's right to "keep and bear arms." U.S. Const. amend. II; *District of Columbia v. Heller*, 554 U.S. 570, 592 (2008). Congress may restrict that right, so long as its regulations are "consistent with this Nation's historical tradition of firearm regulation." *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 17 (2022). Under *Bruen*, we first ask whether "the Second Amendment's plain text" covers the regulated conduct. *Id*. If it does, the conduct is presumptively protected, so the government must "justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation." *Id.*

[1] If Bloomfield had challenged the district court's factual determinations, we would review those for clear error or abuse of discretion. *United States v. Rose*, 714 F.3d 362, 370 (6th Cir. 2013). But where, as here, the defendant challenges only the district court's legal conclusion based on the uncontested facts, we review de novo. *Id.*

at 24. But it need not show a "dead ringer" or "historical twin," so long as the regulation challenged is "consistent with the principles that underpin our regulatory tradition." *United States v. Rahimi*, 602 U.S. 680, 692 (2024) (quoting *Bruen*, 597 U.S. at 30).

Section 922(g)(1) is one such regulation. It prohibits felons from possessing firearms or ammunition "in or affecting commerce." 18 U.S.C. § 922(g)(1). At step one, the "plain text" of the Second Amendment covers felons' firearm possession, so it's presumptively protected. *See United States v. Gailes*, 118 F.4th 822, 826 (6th Cir. 2024). But we have held that the federal statute disarming felons, 18 U.S.C. § 922(g)(1), "is constitutional on its face and as applied to dangerous people." *United States v. Williams*, 113 F.4th 637, 662–63 (6th Cir. 2024). And "[o]ur nation's history shows that the government may require individuals in a disarmed class to prove they aren't dangerous in order to regain their right to possess arms." *Id.* at 662. So a defendant challenging § 922(g)(1) as applied to him bears the burden "to show he's not dangerous." *Id.*

We begin the dangerousness inquiry by analyzing the defendant's predicate offense. And to aid that assessment, we start by classifying the offense into one of three categories. First, "crimes against the person" like "murder, rape, assault, and robbery" are "strong evidence" of dangerousness. *Id.* at 658. Second, crimes not directly against the person but that "nonetheless pose a significant threat of danger," like drug trafficking and burglary, will usually "justify a finding of danger." *Id.* at 659. And third, crimes that are "challenging to address" are those that "cause no physical harm to another person or the community" like mail fraud, making false statements, and "opening a bottle of ketchup at the supermarket and putting it back on the shelf." *Id.* (citation omitted).

But the dangerousness determination ultimately "depend[s] on the unique circumstances of the individual defendant." *Id.* at 660. "[W]e are not confined to the fact of conviction alone, but

may consider how an offense was committed." *United States v. Morton*, 123 F.4th 492, 499 (6th Cir. 2024). So courts evaluating dangerousness may consider "'any evidence of past convictions in the record, as well as other judicially noticeable information' or other evidence the defendant submits." *United States v. Hostettler*, 170 F.4th 539, 542 (6th Cir. 2026) (quoting *Williams*, 113 F.4th at 660).

B.

Start with Bloomfield's predicate offense, receipt of child pornography. Possessing child pornography "causes serious and continuing harm to victims as a result of the 'trauma of knowing that images of [their] abuse are being viewed over and over.'" *United States v. Demma*, 948 F.3d 722, 731 (6th Cir. 2020) (alteration in original) (quoting *Paroline v. United States*, 572 U.S. 434, 449 (2014)). Here, Bloomfield's presentence investigation report noted that known victims were identified in the child pornography he possessed. What's more, by participating in the "growing market for child pornography," Bloomfield "incentivize[d] the continuing sexual exploitation of other children." *See United States v. Faulkner*, 926 F.3d 266, 272 (6th Cir. 2019). "The greater the customer demand for child pornography, the more that will be produced." *United States v. Robinson*, 669 F.3d 767, 777 (6th Cir. 2012) (quoting *United States v. Goldberg*, 491 F.3d 668, 672 (7th Cir. 2007)). Bloomfield's predicate conviction justifies a finding of dangerousness because it involves viewing depictions of, and driving demand for, dangerous situations involving child victims.

Bloomfield wants us to put receipt of child pornography in the third *Williams* category with mail fraud and ketchup-tampering because it "is an internet-based offense that does not result in direct, physical confrontation." Appellant Br. at p. 14. He argues that what distinguishes the second category from the third is the "involvement of violent, physical confrontation." Reply Br. at p. 5.

And since receipt of child pornography, he says, does not itself involve a physical interaction, it's a third-category offense. *Id.* at p. 5–6. We cannot agree.

Bloomfield's argument doesn't get off the ground. In *Williams*, we said that crimes in the second category of dangerous offenses "do not always involve an immediate and direct threat of violence" and instead may "pose[] a danger to the community." 113 F.4th at 659 (quoting *United States v. Stone*, 608 F.3d 939, 947 n.6 (6th Cir. 2010)). So it is not true that physical confrontation is what distinguishes the second and third categories. What's more, we said drug trafficking is "[a] prime example" of a second-category crime because of the danger it poses "to the community." *Id.* (quoting *Stone*, 608 F.3d at 947 n.6). So too for child pornography. Although receiving and viewing child pornography do not involve a physical confrontation, those actions are a necessary component of the market for child pornography, the creation of which is undoubtedly a danger to children. *See United States v. Gonzalez*, 445 F.3d 815, 819 (5th Cir. 2006) (regarding child pornography producers and consumers, "[n]either could exist without the other"). Receivers and viewers of child pornography are participating in a market that necessarily inflicts grave harm to children. Their offenses are dangerous, even if they inflict their harm from behind a computer screen.

Next, consider the underlying facts of Bloomfield's prior conviction. He received 71 videos and 52 still images. The media files depicted the abuse of prepubescent minors and "sadistic or masochistic conduct." *United States v. Bloomfield*, No. 3:10-cr-465, Sent'g Hr'g Tr., R. 20, PageID.155, 158. These facts elevated Bloomfield's base offense by eleven levels. And we have emphasized that these enhancements account for the way the harm to victims of child pornography is "magnified" in the circumstances they account for. *Demma*, 948 F.3d at 731. And more to the point, Bloomfield's offense conduct included online chats fantasizing about raping a minor.

This evidence weighs toward the conclusion that Bloomfield is a dangerous person Congress may disarm.

And as part of his conviction, Bloomfield had to register as a sex offender under SORNA. The Government argues that his receipt of child pornography "is seemingly dangerous enough to alert the public." Appellee Br. at p. 17. And the district court found that it "defies common sense to alert the public because we have deemed a person to be dangerous, but then categorize them as not dangerous" and prevent Congress from statutorily disarming them. Order, R. 19, PageID.91. We agree. One of the reasons sex offender registries are constitutional is because legislatures may recognize the "dangerousness" of sex offenders "as a class." *Smith v. Doe*, 538 U.S. 84, 103 (2003) (concluding that Alaska's sex offender registry was nonpunitive and did not violate the Ex Post Facto Clause).

Bloomfield asks us not to put too much stock into his sex offender registration. In his view, SORNA registration may indicate who Congress thinks is dangerous "in terms of sexual offenses," but it doesn't say much as to whether he's dangerous "with respect to possessing a weapon." Reply Br. at 7. True enough, SORNA registration alone may not mean a person is dangerous. But Bloomfield misunderstands the nature of the dangerousness inquiry. We don't ask whether an individual would be dangerous *with a firearm*; we ask whether a person is dangerous generally because "Congress may disarm individuals they believe are dangerous." *Williams*, 113 F.4th at 657. The national sex offender registry is one piece of evidence that Congress believes sex offenders—including receivers of child pornography—are dangerous. As Bloomfield notes, dangerousness and harm are not synonymous. But neither is dangerousness limited to violence.

For Bloomfield's part, he pointed out some of the more positive circumstances of his conviction. But ultimately, none of them suffice to meet his burden of showing that he is not

dangerous. For example, he was granted pretrial release in the pendency of his child pornography offense. However, the dangerousness finding under the Bail Reform Act "implicate[s] different liberty interests" and "different legal presumptions," so this assessment doesn't resolve the dangerousness inquiry under § 922(g)(1). *See United States v. Taylor*, 165 F.4th 1029, 1034 (6th Cir. 2026). And to Bloomfield's credit, there is no evidence in the record that Bloomfield has ever sexually abused a child. But such a finding is not necessary to conclude that he is dangerous.

Finally, we look to "other evidence the defendant submits." *Hostettler*, 170 F.4th at 542. Bloomfield points out that his prior conviction is fifteen years old, and that he has taken positive steps since then. While incarcerated, he took educational courses. And afterward, he successfully completed supervised release. He has maintained steady employment since his release and, aside from the instant offense, hasn't had any legal trouble. These are positive strides. But Bloomfield bears the burden to demonstrate that he is not dangerous. And these attributes do not suffice to shoulder that burden in light of his conviction and the facts that led to it.

All told, receipt of child pornography is an offense that weighs toward a finding of dangerousness. So too do many of the specific characteristics of Bloomfield's conviction. And although some circumstances of the conviction, as well as many of Bloomfield's personal attributes, are positive, they do not suffice to demonstrate that he is not dangerous and falls outside the category of felons Congress may constitutionally disarm.

III.

Because § 922(g)(1) is constitutional as applied to Bloomfield, we **AFFIRM**.