

No. 22-915

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**In the Supreme Court of the United States**

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UNITED STATES OF AMERICA, PETITIONER

*v.*

ZACKEY RAHIMI

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*ON WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT*

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**JOINT APPENDIX**

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PETITION FOR WRIT OF CERTIORARI FILED: MAR. 17, 2023  
CERTIORARI GRANTED: JUNE 30, 2023

**TABLE OF CONTENTS**

	Page
Agreed protective order (Feb. 5, 2020) (filed Jan. 15, 2021) .....	1
Indictment (Apr. 14, 2021).....	12
Factual résumé (May 26, 2021) .....	15

IN THE DISTRICT COURT  
FOR THE 324th JUDICIAL DISTRICT  
TARRANT COUNTY, TEXAS

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No. 324-675717-20

CINTIA MEDINA GARCIA, APPLICANT

*v.*

ZACKEY RAHIMI, RESPONDENT

AND IN THE INTEREST OF

A [REDACTED] R [REDACTED] R [REDACTED],  
A CHILD

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Filed: Jan. 15, 2021

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**AGREED PROTECTIVE ORDER**

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On the 5th day of February, 2020, came Cintia Medina Garcia, Applicant for a protective order.

**Appearances**

Applicant, Cintia Medina Garcia appeared in person and by Assistant Criminal District Attorney, J.O. Khayan Williams, and announced ready to proceed.

Zackey Rahimi, Respondent appeared in person and by signature below evidencing agreement to the entry of this Protective Order.

**Record of Testimony**

A hearing was not held before Associate Judge Beth Poulos, 324th District Court.

A record of the proceeding was not made by the court reporter in the 324th Associate Judge's court.

### **Findings**

The Court finds that Respondent received actual and reasonable notice of the hearing and had an opportunity to participate and to be heard consistent with the right to due process.

The Court, having considered the pleadings and heard the evidence and argument of counsel, finds that all necessary prerequisites of law have been satisfied and the Court has jurisdiction over the parties and subject matter of the cause.

The Court finds that Respondent and Applicant meet a relationship as set forth in § 71.0021, § 71.003 § 71.005, or § 71.006 of the Texas Family Code.

The Court finds that Applicant and Respondent are biological parents of the same child and thus "intimate partners" as defined by 18 U.S.C § 921(a)(32).

The Court finds that family violence has occurred and is likely to occur again in the future and that the following orders are in the best interest of Applicant and other members of the family or household who are affected by this suit.

The Court finds that Zackey Rahimi, Respondent, has committed family violence. The Court finds that a protective order for the protection of Cintia Media Garcia should be entered pursuant to Chapter 85, Texas Family Code.

The Court finds that Respondent represents a credible threat to the physical safety of the Applicant or

other members of the family or household who are affected by this suit.

The Court finds that Zackey Rahimi, Respondent, has agreed to this order pursuant to § 85.005 of the Texas Family Code. The Court finds that a protective order for the protection of Cintia Media Garcia should be entered pursuant to Chapter 85, Texas Family Code.

The Court finds that the terms of this order explicitly prohibit the use, attempted use, or threatened use of physical force against Applicant that would reasonably be expected to cause bodily injury.

#### **Confidentiality**

The Court also finds that the addresses and telephone numbers of the residence of Cintia Media Garcia and the place of employment or business of Cintia Media Garcia should be excluded from this protective order pursuant to § 85.007, Texas Family Code, and it is so ORDERED.

#### **Communication**

The Court finds good cause exists to prohibit Respondent from communicating in any manner with Applicant pursuant to § 85.022, Texas Family Code, and it is so ORDERED.

#### **Orders**

It is ORDERED that **Zackey Rahimi**, Respondent, is hereby IMMEDIATELY PROHIBITED from:

- (1) Committing family violence;
- (2) Communicating:
  - (A) directly with Cintia Medina Garcia or a member of the family or household of

Cintia Medina Garcia, in a threatening or harassing manner;

- (B) a threat through any person to Cintia Medina Garcia or a member of the family or household of Cintia Medina Garcia; and
  - (C) in any manner with Cintia Medina Garcia or a member of the family or household of Cintia Medina Garcia;
  - (D) Zackey Rahimi may communicate in a non-threatening manner with Cintia Medina Garcia regarding their child A [REDACTED] R [REDACTED] R [REDACTED] Date of Birth: [REDACTED] 2018;
- (3) Going to or within 200 yards of the residence or place of employment or business of Cintia Medina Garcia or a member of the family or household of Cintia Medina Garcia;
- **Any residence of Cintia Medina Garcia in Tarrant County, Texas or any other subsequent residence;**
  - **Any place of employment or business of Cintia Medina Garcia in Tarrant County, Texas or any other place of employment or business;**
- (4) Engaging in conduct directed specifically toward Cintia Medina Garcia or a member of the family or household of Cintia Medina Garcia, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass the person;

- (5) Possessing a firearm, unless the person is a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision; and
- (6) Harming, threatening, or interfering with the care, custody, or control of a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code, that is possessed by or is in the actual or constructive care of a person protected by an order or by a member of the family or household of Cintia Medina Garcia.

It is ORDERED that Respondent is PROHIBITED from going to or within 200 yards of any subsequent residence, place of employment or business, or school of Cintia Media Garcia as shown in Court records.

It is ORDERED that Respondent's handgun license is immediately suspended and shall remain suspended for the duration of this order. On demand by the appropriate agency, Respondent is ORDERED to surrender his license.

Respondent is ORDERED to notify the Court of any change in Respondent's residence address, mailing address, home telephone number, name of employer, address of employer, and work telephone number. Respondent is ORDERED to give notice no later than the tenth day after the date Respondent knows of the change. It is ORDERED that all notifications of changes of address shall be in writing and shall be sent to the Clerk of the 324th District Court, Tarrant County Family Law Center, 200 East Weatherford Street, #3000, Fort Worth, Texas 76196-0402.

**Attorney's Fees**

It is ORDERED that attorney's fees are hereby waived.

**Court Fees and Costs**

~~Respondent is ORDERED to pay all costs of court and service fees in the amount of \$445.00/\$528.00 by money order only to the Tarrant County District Clerk, Tarrant County Family Law Center, 200 East Weatherford Street, #3000, Fort Worth, Texas 76196-0402 on or before February 5, 2021.~~

~~Failure to pay these costs and fees on or before February 5, 2021 may be punished as contempt of court as provided by Section 21.002, Government Code, by a fine of not more than \$500.00 or confinement in the county jail for not more than six months, or both such a fine and confinement in jail.~~

After receiving said costs and fees the Tarrant County District Clerk is ORDERED to pay the Tarrant County Constable any and all fees for service in this cause.

The requirement of a bond is hereby waived.

**Duration**

This order shall be valid for **TWO YEARS** from the date signed, specifically **FEBRUARY 5, 2022**, unless Respondent is confined or imprisoned on the date this order would expire.

Pursuant to Texas Family Code Section 85.025(c), if a person who is the subject of a protective order Zackey Rahimi is confined or imprisoned on the date the protective order would expire under Subsection (a) or (a-1), or if the protective order would expire not later



than the first anniversary of the date the Respondent is released from confinement or imprisonment, the period for which the order is effected is extended, and the order expires on (1) the first anniversary of the date the person is released from confinement or imprisonment, if the person was sentenced to confinement or imprisonment for more than five years; or (2) the second anniversary of the date the person is released from confinement or imprisonment, if the person was sentenced to confinement or imprisonment for five years or less.

**Notification by the Clerk of the Court**

The clerk of the court is ORDERED to send a copy of this order to the law enforcement agency having jurisdiction in the city or county where Cintia Media Garcia resides or has a place of employment or business or school.

The clerk of the court is ORDERED to send a copy of this order to the Tarrant County Sheriff's Department.

The clerk of the court is ORDERED to send a copy of this order suspending the handgun license of Zackey Rahimi to the Handgun Licensing Unit, Department of Public Safety, P.O. Box 4143, Austin, Texas 78765-4143. On receipt of this order suspending the license, the Department shall record the suspension of the license in the records of the Department; report the suspension to local law enforcement, as appropriate; and demand surrender of the suspended license from the license holder.

**Service**

The Protective Order was served personally on the Respondent in open court.

**WARNINGS**  
**TEXAS FAMILY CODE, SECTION 85.26**

A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED BY CONTEMPT OF COURT BY A FINE OF AS MUCH AS \$500.00 OR BY CONFINEMENT IN JAIL FOR AS LONG AS SIX MONTHS, OR BOTH.

NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID; EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER.

IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION.

A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000.00 OR BY CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR, OR BOTH. AN ACT THAT RESULTS IN FAMILY VIOLENCE MAY BE PROSECUTED AS A SEPARATE MISDEMEANOR OR FELONY OFFENSE. IF THE ACT IS PROSECUTED AS A SEPARATE FELONY OFFENSE, IT

IS PUNISHABLE BY CONFINEMENT IN PRISON FOR AT LEAST TWO YEARS.

**OTHER WARNINGS**

POSSESSION, TRANSPORTATION, OR RECEIPT OF A FIREARM OR AMMUNITION WHILE THIS PROTECTIVE ORDER IS IN EFFECT MAY BE A FELONY UNDER FEDERAL LAW PUNISHABLE BY UP TO TEN YEARS IN PRISON AND/OR A \$250,000 FINE. 18 U.S.C. §§ 922(g) and 924(a)(2).

INTERSTATE VIOLATION OF THIS PROTECTIVE ORDER MAY SUBJECT RESPONDENT TO FEDERAL CRIMINAL PENALTIES. 18 U.S.C. §§ 2261, 2261A, and 2262.

THIS PROTECTIVE ORDER IS ENFORCEABLE IN ALL 50 STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, AND U.S. TERRITORIES.

IT IS UNLAWFUL FOR ANY PERSON WHO IS SUBJECT TO A PROTECTIVE ORDER TO KNOWINGLY PURCHASE, RENT, LEASE, OR RECEIVE AS A LOAN OR GIFT FROM ANOTHER A HANDGUN WHILE THIS PROTECTIVE ORDER IS IN EFFECT. SECTION 46.06(a)(6), TEXAS PENAL CODE.

SIGNED this [5] day of [February], 2020.

/s/ [Signature]  
JUDGE PRESIDING

/s/ [Signature]  
ASSOCIATE JUDGE  
DATE: [February 5, 2020]  
TIME: [10:58 AM]

ORDER PREPARED BY:

SHAREN WILSON  
CRIMINAL DISTRICT ATTORNEY

/s/ [Signature]  
J.O. KHAYAN WILLIAMS  
Assistant Criminal District Attorney  
State Bar No. 24004990  
[khayanwilliams@tarrantcountytx.gov](mailto:khayanwilliams@tarrantcountytx.gov)  
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200 E. Weatherford Street, #3040  
Fort Worth, Texas 76196  
Phone: 817/884-1623  
Fax: 817/212-7393  
ATTORNEYS FOR APPLICANT

AGREED TO AND APPROVED AS TO FORM AND  
CONTENT:

/s/ [Signature]  
CINTIA MEDIA GARCIA  
APPLICANT

/s/ [Signature]  
ZACKEY RAHIMI  
RESPONDENT

Zackey Rahimi, Respondent  
Current address [REDACTED] Mountain View Lane,  
Kennedale, Texas, 76060

**RECEIPT ACKNOWLEDGED**

I, Zackey Rahimi, received a copy of this protective order in open court at the close of the hearing in this matter.

/s/ [Signature]  
ZACKEY RAHIMI  
RESPONDENT  
Date: [2/5/2020]

I, [J. Albright 0415], bailiff in the 324th Associate Judge's Court, delivered a copy of this protective order to Zackey Rahimi on this the 5th day of February, 2020 at the direction of the Associate Judge.

/s/ [Signature]  
BAILIFF

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

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No. 4:21-CR-083-P

UNITED STATES OF AMERICA

*v.*

ZACKEY RAHIMI (01)

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[Filed: Apr. 14, 2021]

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**INDICTMENT**

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The Grand Jury Charges:

Count One

Firearm Possession While Under Domestic Violence  
Restraining Order (Violation of 18 U.S.C. §§ 922(g)(8)  
and 924(a)(2))

On or about January 14, 2021, in the Fort Worth Division of the Northern District of Texas, defendant **Zackey Rahimi**, knowing he was subject to a court order issued in the 324th Judicial District Court of Tarrant County, Texas, on February 5, 2020, cause number 324-675717-20, that was issued after a hearing of which he received actual notice, and at which he had an opportunity to participate, that restrained him from harassing, stalking, or threatening an intimate partner and a child of an intimate partner, and restrained him from engaging in other conduct that would place an intimate

partner in reasonable fear of bodily injury to the partner and a child of the intimate partner, that by its terms explicitly prohibited the use, attempted use, or threatened use of physical force against such intimate partner and a child of such intimate partner that would reasonably be expected to cause bodily injury, and that included a finding that the defendant was a credible threat to the physical safety of the intimate partner and child of the intimate partner, did knowingly possess in and affecting interstate and foreign commerce, a Glock, model 21 Gen 4, .45 caliber pistol, bearing serial number YBX386, and a Century Arms, model C308 Sporter, .308 caliber rifle, bearing serial number C308E32588.

In violation of 18 U.S.C. §§ 922(g)(8) and 924(a)(2).

Forfeiture Notice

(18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c))

Upon conviction of the offense alleged in count one of this indictment, and under 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), defendant **Zackey Rahimi** shall forfeit to the United States of America any firearm and ammunition involved in or used in the knowing commission of the offense, including but not limited to, the following: a Glock, model 21 Gen 4, .45 caliber pistol, bearing serial number YBX386, and a Century Arms, model C308 Sporter, .308 caliber rifle, bearing serial number C308E32588.

A TRUE BILL

/s/ [Signature]

FOREPERSON

PRERAK SHAH  
ACTING UNITED STATES ATTORNEY

/s/ [Signature]  
[for] FRANK L. GATTO  
Assistant United States Attorney  
Texas Bar No. 24062396  
Burnett Plaza, Suite 1700  
801 Cherry Street, Unit #4  
Fort Worth, Texas 76102  
Telephone: 817-252-5200  
Facsimile: 817-252-5455



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

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No. 4:21-CR-083-P

UNITED STATES OF AMERICA

*v.*

ZACKEY RAHIMI (1)

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Filed: May 26, 2021

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**FACTUAL RÉSUMÉ**

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**INDICTMENT:** Unlawful Firearm Possession, violation of 18 U.S.C. §§ 922(g)(8) and 924(a)(2).

**PENALTY:**

- Imprisonment for a period not to exceed 10 years;
- A fine not to exceed \$250,000, or both a fine and imprisonment;
- A supervised-release term not to exceed three years, which may be mandatory under law and will follow any imprisonment term. If the defendant violates any of the supervised-release conditions, he could have his supervised release revoked and ordered to serve additional prison time; and
- A \$100 mandatory special assessment.

OFFENSE ELEMENTS:

The elements the government must prove beyond a reasonable doubt to establish the offense alleged in Count One of the Indictment are:

- First: The defendant knowingly possessed the firearms as charged;
- Second: At the time the defendant possessed the charged firearms, the defendant was subject to an order, issued by a court after a hearing of which the defendant received actual notice and at which the defendant had an opportunity to be heard, which restrained the defendant from harassing, stalking, or threatening an intimate partner of the defendant and the child of the defendant's intimate partner, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, and included a finding that the defendant represents a credible threat to the physical safety of such intimate partner or child or explicitly prohibited the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;
- Third: At the time of the defendant possessed the charged firearms, the defendant knew he was subject to such an order; and
- Fourth: The possession of the charged firearms affected interstate or foreign commerce; that

is, before the defendant possessed the charged firearms, it had traveled at some time from one state to another or between any part of the United States and any other country.

STIPULATED FACTS:

On or about January 14, 2021, Arlington police executed a search warrant at Rahimi's residence. At the time the search warrant was executed, Rahimi was subject to an Agreed Protective Order, issued in the 324th Judicial District Court of Tarrant County, Texas, on February 5, 2020, in cause number 324-675717-20. The duration of the protective order was for two years from its issuance, and it was set to expire on February 5, 2022. The protective order was issued after a hearing of which Rahimi received actual notice, and at which he had an opportunity to participate. The protective order restrained him from harassing, stalking, or threatening an intimate partner and a child of an intimate partner, and restrained him from engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner and a child of the intimate partner. By its express terms, the protective order prohibited the use, attempted use, or threatened use of physical force against such intimate partner and a child of such intimate partner that would reasonably be expected to cause bodily injury, and the protective order included a finding that Rahimi was a credible threat to the physical safety of the intimate partner and child of the intimate partner. During execution of the search warrant a Glock, model 21 Gen 4, .45 caliber pistol, bearing serial number YBX386; and a Century Arms, model C308 Sporter, .308 caliber rifle, bearing serial number C308E32588 were located

in Rahimi's room. Rahimi admits he knowingly possessed the Glock and Century Arms firearms.

An ATF Interstate Nexus Expert reviewed the charged firearms and determined they were not manufactured in Texas. Thus, before January 14, 2021, the charged firearms had travelled in interstate or foreign commerce to reach Texas.

Finally, at the time he possessed the charged firearms on January 14, 2021, Rahimi admits he knew of and was subject to the Agreed Protective Order issued from the 324th Judicial District Court of Tarrant County, Texas, on February 5, 2020, in cause number 324-675717-20.

SIGNED this [8th] day of [May], 2021.

/s/ [Signature]  
ZACKEY RAHIMI  
Defendant

/s/ [Signature]  
RACHEL M. TAFT  
Counsel for Defendant