

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Brandon Groce v. United States

Groce · No. Civil Action No. 22-4296 (ZNQ) · Decided January 16, 2026

SUMMARY

The United States District Court for the District of New Jersey considers Brandon Groce’s motion and supplemental motions to vacate his sentence under 28 U.S.C. § 2255. The court denies relief, finding his ineffective-assistance claims meritless or time-barred, and denies a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Zahid N. Quraishi
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	January 16, 2026
DOCKET	Civil Action No. 22-4296 (ZNQ)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner moved under 28 U.S.C. § 2255 to vacate his federal sentence and filed two supplemental motions raising additional constitutional and ineffective-assistance claims. The district court denied all motions without an evidentiary hearing and denied a certificate of appealability.
STANDARD OF REVIEW	A § 2255 motion may be denied without an evidentiary hearing when the motion and the files and records conclusively show that the prisoner is entitled to no relief. Ineffective-assistance claims are evaluated under the two-prong Strickland framework, requiring deficient performance and prejudice. For plea-related claims, prejudice requires a reasonable probability that the defendant would have rejected the plea and proceeded to trial. For failure-to-consult-about-appeal claims, prejudice requires a reasonable probability that the defendant would have timely appealed.
PRECEDENTIAL VALUE	unpublished
PARTIES	Brandon Groce v. United States of America

TOPICS

federal habeas corpus

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PRACTICE AREAS

federal habeas corpus

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QUESTIONS PRESENTED

1. Whether an evidentiary hearing was required on Groce's § 2255 claims.
2. Whether plea counsel was ineffective in advising Groce about his potential sentencing exposure and guilty plea.
3. Whether counsel was ineffective for failing to negotiate a more favorable plea agreement.
4. Whether counsel was ineffective at sentencing for failing to more forcefully challenge the obliterated-serial-number enhancement and sentencing-entrapment argument.
5. Whether counsel was ineffective for failing to consult adequately about filing a direct appeal.
6. Whether Groce's supplemental Bruen-based challenges were timely under 28 U.S.C. § 2255(f).
7. Whether the supplemental claims related back to the original § 2255 motion under Federal Rule of Civil Procedure 15(c).
8. Whether Groce was entitled to a certificate of appealability.

HOLDINGS

1. No evidentiary hearing was required because the motion, case files, and records conclusively showed that Groce was not entitled to relief.
2. Counsel was not ineffective in advising Groce about his potential sentencing exposure because the advice that a post-indictment trial could expose him to substantially greater punishment was reasonable in the context of the limited information and plea agreement.
3. Groce failed to establish ineffective assistance based on counsel's alleged failure to negotiate a better plea agreement.
4. Counsel was not ineffective at sentencing because counsel presented arguments against the obliterated-serial-number enhancement and for a sentencing reduction based on alleged government inducement, and those arguments lacked merit.
5. Counsel was not ineffective for failing to file a notice of appeal or consult further about an appeal because Groce did not request an appeal, did not show that a rational defendant in his position would have wanted to appeal, and identified no nonfrivolous appellate grounds.
6. The supplemental claims challenging the obliterated-serial-number enhancement and § 922(g)(1) under Bruen were untimely because they were filed after the one-year limitations period expired and Bruen did not recognize a new retroactive right applicable to those claims.

7. The supplemental Bruen-based claims did not relate back to the original § 2255 motion because they were different in time and type and were not tied to a common core of operative facts.
8. A certificate of appealability was denied because Groce failed to make a substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

“Where the record, supplemented by the trial judge's personal knowledge, conclusively negates the factual predicates asserted by the petitioner or indicate[s] that petitioner is not entitled to relief as a matter of law, no hearing is required.” (Section II)

“A petitioner, however, has no right to a “better” plea deal than the one he chose to accept, and cannot show prejudice based on alleged failure to negotiate a better deal without providing concrete evidence to support the assertion that the Government would have offered a better deal, Petitioner would have accepted it, and the court would have accepted that bargain.” (Section III.B)

FACTUAL BACKGROUND

In 2019, Groce, who lacked a federal firearms license and had prior felony convictions, sold seven firearms and ammunition in six transactions to confidential sources and undercover ATF agents. He pleaded guilty to dealing in firearms without a license and being a felon in possession of a firearm under a plea agreement that limited the charges and included sentencing stipulations and an appellate-waiver provision. The district court imposed consecutive sentences totaling 151 months, including a 120-month sentence on the felon-in-possession count. Groce later challenged his plea counsel, sentencing representation, failure to appeal, the obliterated-serial-number enhancement, and the constitutionality of § 922(g)(1) under Bruen.

PROCEDURAL HISTORY

Groce pleaded guilty in the underlying criminal case to dealing in firearms without a license under 18 U.S.C. § 922(a)(1)(A) and possessing a firearm as a convicted felon under 18 U.S.C. § 922(g)(1). He was sentenced to consecutive terms of 31 months and 120 months, for an aggregate sentence of 151 months, and did not file a direct appeal. His § 2255 motion was filed within the limitations period, while his supplemental claims based on *New York State Rifle & Pistol Ass'n v. Bruen* were filed after the limitations period expired. The court held the original claims meritless and the supplemental claims untimely and denied relief.

DISPOSITION

dismissed

CASES CITED

- *United States v. Horsley*, 599 F.2d 1265, 1268 (3d Cir. 1979), cert. denied, 444 U.S. 865 (1979)
- *Hill v. United States*, 368 U.S. 424, 429 (1962)
- *Morelli v. United States*, 285 F. Supp. 2d 454, 458-59 (D.N.J. 2003)
- *United States v. Booth*, 432 F.3d 542, 545-46 (3d Cir. 2005)

- *United States v. Day*, 969 F.2d 39, 41-43 (3d Cir. 1992), cert. denied, 571 U.S. 1224 (2014)
- *Judge v. United States*, 119 F. Supp. 3d 270, 280-81 (D.N.J. 2015)
- *Gov't of the Virgin Islands v. Nicholas*, 759 F.2d 1073, 1075 (3d Cir. 1985)
- *United States v. Tuyen Quang Pham*, 587 F. App'x 6, 8 (3d Cir. 2014)
- *Strickland v. Washington*, 466 U.S. 668, 687-98 (1984)
- *United States v. Shedrick*, 493 F.3d 292, 299-301 (3d Cir. 2007)
- *Jacobs v. Horn*, 395 F.3d 92, 102 (3d Cir. 2005)
- *United States v. Cross*, 308 F.3d 308, 315 (3d Cir. 2002)
- *Palmer v. Hendricks*, 592 F.3d 386, 395 (3d Cir. 2010)
- *United States v. Bui*, 795 F.3d 363, 367 (3d Cir. 2015)
- *Shotts v. Wetzel*, 724 F.3d 364, 376 (3d Cir. 2013)
- *Burger v. Kemp*, 483 U.S. 776, 785-86 (1987)
- *Eiseman v. Herbert*, 401 F.3d 102, 109 (3d Cir. 2005)
- *Amato v. United States*, No. 19-19449, 2021 WL 5578850, at *5 (D.N.J. Nov. 29, 2021)
- *United States v. Briggs*, 382 F. App'x 138, 141 (3d Cir. 2010)
- *United States v. Warren*, 820 F.3d 406, 408 (11th Cir. 2016)
- *Haynes v. United States*, No. 19-5008, 2021 WL 236340, at *4 (D.N.J. Jan. 25, 2021)
- *United States v. Sed*, 601 F.3d 224, 230 (3d Cir. 2010)
- *Roe v. Flores-Ortega*, 528 U.S. 470, 476-85 (2000)
- *Garza v. Idaho*, 586 U.S. 232 (2019)
- *Richardson v. United States*, No. 20-10045, 2023 WL 5623943, at *3 (D.N.J. Aug. 31, 2023)
- *Fielder v. Varner*, 379 F.3d 113, 122 (3d Cir. 2004)
- *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 17-70 (2022)
- *United States v. Rahimi*, 602 U.S. 680 (2024)
- *Richardson v. United States*, No. 23-20820, 2025 WL 1703059, at *2 (D.N.J. June 18, 2025)
- *United States v. Neal*, No. 23-1779, 2024 WL 1095814, at *2 (W.D. Pa. Mar. 13, 2024)
- *Battle v. United States*, No. 23-3438, 2023 WL 6307515, at *3 (D.N.J. Sept. 28, 2023)
- *Mayle v. Felix*, 545 U.S. 644, 657-64 (2005)
- *Wilkerson v. Superintendent Fayette SCI*, 871 F.3d 221, 236-38 (3d Cir. 2017)
- *United States v. Doe*, 810 F.3d 132, 154 (3d Cir. 2015)
- *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003)
- *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)