No._____

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 2024

DEREK STEVEN TRUMBULL,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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SUBMITTED: March 17, 2025

QUESTION PRESENTED

Do the separation of powers and the canons of statutory construction, most fundamentally the rule of lenity, permit the judiciary to defer to an agency's interpretation of the agency's ambiguous regulation?

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Derek Stephen Trumbull ("Mr. Trumbull") petitions for a Writ of Certiorari to grant certiorari and review his case or grant certiorari, vacate the Court of Appeal's decision, and remand in light of *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024).

Mr. Trumbull asks this Court to consider the Ninth Circuit's holding, in which 1) it found the term "large capacity magazine", as it is used in § 2K2.1 of the United

States Sentencing Guidelines, to be ambiguous; and 2) deferred to the commentary to the Guidelines to interpret the term, in violation of this Court's opinion in *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024).

JURISDICTION

The Court of Appeals published its opinion denying Mr. Trumbull's request for appellate relief on August 22, 2024. Appendix A. The Court of Appeals denied Mr. Trumbull's petition for rehearing and/or rehearing en banc on December 17, 2024. Appendix B. This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1).

OPINION BELOW

The opinion of the United States Court of Appeals for the Ninth Circuit is reported at *United States v. Trumbull*, 114 F.4th 1114 (9th Cir. 2024). Appendix A.

LEGAL PROVISIONS INVOLVED

This case involves U.S.S.G. § 2K2.1 and *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024). Appendices C-D.

STATEMENT OF THE CASE AND PRIOR PROCEEDINGS

Mr. Trumbull was indicted in the United States District Court for the District of Montana on October 26, 2022, with one count of felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1).

Mr. Trumbull was arraigned on November 22, 2022. Mr. Trumbull filed a motion to change plea on December 28, 2022. He did not enter a plea agreement.

The district court referred Mr. Trumbull's motion to change plea to the magistrate. On January 11, 2023, the magistrate convened a change of plea hearing. Mr. Trumbull changed his plea to guilty. That same day, the magistrate issued findings and recommendations to the district court regarding Mr. Trumbull's guilty plea. On January 27, 2023, the district court granted Mr. Trumbull's motion to change plea and adopted the magistrate's findings and recommendations.

On May 10, 2023, the district court sentenced Mr. Trumbull to twenty-four months imprisonment, followed by three years supervised release.

Mr. Trumbull appealed on May 11, 2023 to the United States Court of Appeals for the Ninth Circuit. The Court of Appeals heard oral argument on May 6, 2024.

The Court of Appeals published its opinion affirming the district court on August 22, 2024. Appendix A.

Mr. Trumbull filed a petition for rehearing and/or rehearing en banc. The Oregon Federal Public Defender filed a Brief of Amicus Curiae Oregon Federal Public Defender in Support of Petition for Rehearing and Rehearing En Banc. The Court of Appeals denied that petition. Appendix B.

FACTUAL BACKGROUND

Presentence Report

After Mr. Trumbull changed his plea to guilty, the district court ordered the preparation of the presentence report ("PSR"). Relevant here, the Final PSR included the following base offense level calculation:

> Base Offense Level: The guideline for a violation of 18 U.S.C. § 922(g)(1) is U.S.S.G. § 2K2.1. That section states that if offense [sic] an involved a semiautomatic firearm that is capable of accepting a large capacity magazine and the defendant was a prohibited person at the time the defendant committed the instant offense, the base offense level is 20. USSG § 2K2.1(a)(4)(B)(i)(I) and (ii)(I). At the time of his arrest in the instant offense, the defendant, a prohibited person, was in possession of three magazines containing at least 15 rounds of 9mm ammunition. **20**

Final PSR ¶ 23.

The Final PSR calculated a Total Offense Level of 17, and a Criminal History Category of IV, for a Guidelines sentencing range of 37-to-46 months. Final PSR ¶ 71.

Mr. Trumbull objected to the application of U.S.S.G. § 2K2.1(a)(4)(B)(i)(I) and (ii)(I), and Application Note 2, in his sentencing memorandum.

Sentencing

Sentencing was held on May 10, 2023.

Relevant here, the court heard Mr. Trumbull's objection to the "high capacity magazine" definition and application.

> MR. RHODES: Your Honor, that leaves the setting of the base offense level, which, under the PSR and as endorsed by the government, is currently – the base offense level starts at 20. Because of the large-capacity magazine recommendation in the PSR, we're maintaining the base offense level should be 14, which, with acceptance of responsibility, would take the ultimate total offense level to 12, which, with the criminal history Category III, would result in a recommended guideline range of 15 to 21 months.
>
> THE COURT: And why do you think it should be 14?
>
> MR. RHODES: Your Honor, this goes to the issue which I think is a hot issue in American jurisprudence now regarding the regulatory state and the amount of deference, if any, the Court should give to an agency's interpretation of its own regulations.
>
> Critical here, the guideline, the body of the guideline, simply says "large-capacity magazine." It's the commentary that defines large-capacity magazine as being able to hold "15 rounds or more" of ammunition.

After framing this issue, referencing his brief, and elaborating his argument, Mr. Trumbull summarized:

> So for all those reasons, the commentary to the guideline is entitled to no deference. It's unconstitutional, and the Court should set Mr. Trumbull's base offense level at 14.

The district court overruled the objection. The court adopted the Guidelines sentencing range described in the Final PSR.

Defense counsel spoke on Mr. Trumbull's behalf. Mr. Trumbull allocuted.

The government made its recommendation.

The district court reviewed the 18 U.S.C. § 3553(a) factors.

The district court imposed a sentence of two years imprisonment, concurrent to the then-pending state cases, followed by three years supervised release.

Appeal

On appeal, Mr. Trumbull argued that the district court violated this Court's decision in *Kisor v. Wilkie*, 588 U.S. 558 (2019), when it deferred to the Sentencing Commission's commentary in imposing the sentencing enhancement for possessing a semi-automatic firearm capable of accepting a "large capacity magazine." At the time the Court of Appeals heard oral argument on May 6, 2024, this Court had not yet issued its opinion in *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024).

The Ninth Circuit affirmed in a published disposition on August 22, 2024. The Ninth Circuit reasoned the commentary definition of "large capacity magazine" met the "extensive requirements for deference laid out in *Kisor*." *Trumbull*, 114 F.4th at 1121.

In his concurrence, Judge Bea – while upholding the Sentencing Commission's definition of "large capacity magazine" – criticized the panel opinion and the panel's disregard of *Loper Bright*.

> The majority's expansion of *Kisor* deference is particularly troubling considering the Supreme Court's recent decision in *Loper Bright*.

> Although I acknowledge that *Loper Bright* did not expressly overrule *Kisor*, the majority is mistaken to brush *Loper Bright* aside and treat it as irrelevant to the interpretation of regulatory language. Maj. Op. at 1118 n.2. The Court in *Loper Bright* made clear that courts cannot merely "throw up their hands," as the majority does today, when a term is difficult to apply. *See Loper Bright*, 144 S. Ct. at 2266. Indeed, *Loper Bright* questioned whether ambiguity can even serve as a valid benchmark when it comes to a court's interpretive role.

Id. at 1126 (Bea, J., concurring).

Mr. Trumbull filed a petition requesting rehearing or rehearing en banc, focusing on *Loper Bright*, as did the amicus curiae brief. The petition was denied. Appendix B.

Mr. Trumbull requests that this Court grant certiorari to consider his issue, or grant, vacate, and remand.

REASONS TO GRANT THE PETITION

A. Guidelines section 2K2.1 requires an enhanced base offense level if the offense involved a large capacity magazine; "large capacity magazine" is defined in commentary; the district court and the Court of Appeals deferred to that commentary to interpret the guideline.

U.S.S.G. § 2K2.1 applies to firearm offenses and specifically here, to the felon in possession of a firearm offense found at 18 U.S.C. § 922(g)(1). U.S.S.G., App. A (Statutory Index).

U.S.S.G. § 2K2.1(a)(4)(B)(i)(I) directs a base offense level of 20 to be applied when:

> the (i) offense involved a (I) semiautomatic firearm that is capable of accepting a large capacity magazine[.]

Id. The guideline does not define the phrase "semiautomatic firearm that is capable of accepting a large capacity magazine."

Application Note 2 to U.S.S.G. § 2K2.1 is entitled "Semiautomatic Firearm That Is Capable of Accepting a Large Capacity Magazine."

> For purposes of subsections (a)(1), (a)(3), and (a)(4), a "semiautomatic firearm that is capable of accepting a large capacity magazine" means a semiautomatic firearm that has the ability to fire many rounds without reloading because at the time of the offense (A) the firearm had attached to it a magazine or similar device that could accept more than 15 rounds of ammunition; or (B) a magazine or similar device that could accept more than 15 rounds of ammunition was in close proximity to the firearm. This definition does not include a semiautomatic firearm with an attached tubular device capable of operating only with .22 caliber rim fire ammunition.

Application Note 2, U.S.S.G. § 2K2.1.

Without that enhancement here, the base offense level would be 14. U.S.S.G. § 2K2.1(a)(6). After finding the guideline ambiguous, the district court, and then the Court of Appeals, deferred to the commentary to apply the enhanced base offense level. *United States v. Trumbull*, 114 F.4th 1114, 1121 (9th Cir. 2024) ("the district court did not err in applying § 2K2.1(a)(4)(B), as interpreted by Application Note 2, to Trumbull's base offense level when calculating his Guidelines range").

B. *Loper Bright* ends deference to such agency interpretation.

Here, the appellate court panel deemed "large capacity magazine" to be ambiguous, and then applied *Kisor v. Wilkie*, 588 U.S. 558 (2019), to defer to the Commission's interpretation of large capacity magazine, relying on the analysis in *Kisor* to support that deference. *Trumbull*, 114 F.4th at 1120. Without exploring the reasoning and ruling in *Loper Bright*, the lower court dismissed *Loper Bright*'s authority in a footnote, because "[t]he Supreme Court did not call *Kisor* into question in *Loper Bright*." *Id*. at 1118 n. 2.

Courts interpret the guidelines like statutes. *See*, *e.g.*, *United States v. Scheu*, 83 F.4th 1124, 1128 (9th Cir. 2023). *Loper Bright* expressly ends judicial deference to agency interpretation based on an ambiguous statute. 603 U.S. at 398-400. This Court anchored its holding in Article III,[1] fundamentally re-establishing that "the final 'interpretation of the laws' would be 'the proper and peculiar province of the courts.'" *Id*. at 385 (*quoting* The Federalist N. 78, p. 525 (J. Cooke ed. 1961 (A. Hamilton)); *see also id.* ("[i]t is emphatically the province and duty of the judicial

[1] *See also id.* at 413 (Thomas, J., concurring) ("*Chevron* deference also violates the Constitution's separation of powers[.]"); *id*. at 433 (Gorsuch, J., concurring) (*Chevron* deference "precludes courts from exercising the judicial power vested in them by Article III").

department to say what the law is") (quoting *Marbury v. Madison*, 5 U.S. 137 (1803)).

In reviewing the constitutional history of judicial deference to agencies, the Court distinguished "agency determinations of *fact*" from those of law. *Id.* at 387 (italics in original). The Court emphasized the consequence of this distinction:

> But the Court did not extend similar deference to agency resolutions of questions of *law*. It instead made clear, repeatedly, that "[t]he interpretation of the meaning of statutes, as applied to justiciable controversies," was "exclusively a judicial function."

Id. (italics in original) (string cite omitted).

From these first principles, the Court turned to *Chevron* deference, the Administrative Procedures Act, and ultimately the issue here, judicial deference to agency legal interpretations. It summarized:

> [T]he APA delineates the basic contours of judicial review of such action. As relevant here, Section 706 directs that "[t]o the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action." 5 U.S.C. § 706.

Id. at 391. It "thus codifies for agency cases the unremarkable, yet elemental proposition reflected by judicial practice dating back to *Marbury*: that courts decide legal questions by applying their own judgment." *Id*. at 391-392.

Three aspects of *Loper Bright* control here. First, judges interpret the law. *Id*. That is the Constitutional premise.

Second, this Court specifically rejected ambiguity as a basis for agency deference. "[A]mbiguity [does not] necessarily reflect a congressional intent that an agency, as opposed to a court, resolve the resulting interpretive question." *Id*. at 399. The Court repeated, and repeated, this rule of law. "[A]mbiguity is not a delegation to anybody, and a court is not somehow relieved of its obligation to independently interpret the statute." *Id*. at 400.

Third, the Court especially questioned any such deference to deprive liberty. And it did it twice.

> And we have sent mixed signals on whether *Chevron* applies when a statute has criminal applications. *Compare Abramski v. United States*, 573 U.S. 169, 191, 134 S.Ct. 2259, 189 L.Ed.2d 262 (2014), with *Babbitt v. Sweet Home Chapter, Communities for Great Ore.*, 515 U.S. 687, 704, n. 18, 115 S.Ct. 2407, 132 L.Ed.2d 597 (1995).

Id. at 405. The second time the Court foretold the exact problem with judicial deference to the commentary here.

> [T]he [*Chevron*] doctrine continues to spawn difficult threshold questions that promise to further complicate the inquiry should *Chevron* be retained. *See*, *e.g.*, *Cargill v. Garland*, 57 F.4th 447, 465–468 (CA5 2023) (plurality opinion) (May the Government waive reliance on *Chevron*? Does *Chevron* apply to agency interpretations of statutes imposing criminal penalties? Does *Chevron* displace the rule of lenity?), aff'd, 602 U. S. 406, 144 S.Ct. 1613, —— L.Ed.2d —— (2024).

Id. at 409.

Despite this controlling precedent and repeated caution, that is exactly the result of the Ninth Circuit opinion: finding ambiguity, the lower court deferred to an agency to deprive liberty.

By abrogating *Chevron* in *Loper Bright*, the Court reinforced the traditional narrow construction of criminal statutes rather than agency deference in resolving ambiguities, leaving the field clear for the operation of traditional canons in the construction of criminal laws. As the *Loper Bright* dissenters recognized, even with *Chevron* intact, the "rule of lenity tells us to construe ambiguous statutes in favor of criminal defendants[,]" and "the canon of constitutional avoidance instructs us to construe ambiguous laws to avoid difficult constitutional questions." *Loper Bright*, 603 U.S. at 474 (Kagan, J., dissenting).

C. The lower court opinion defers to an agency to interpret an ambiguous guideline; *Loper Bright* expressly rejects ambiguity as a basis for such deference.

The lower court ruled "large capacity magazine" to be an ambiguous term. *Trumbull*, 114 F.4th at 1118. Based on that finding of ambiguity, it deferred to the commentary. *Id*. at 1120.

The lower court acknowledged that *Loper Bright* overruled *Chevron*. *Trumbull*, 114 F.4th at 1118 n.2. It reasoned that because the Supreme Court "did not call *Kisor* into question in *Loper Bright*", *Kisor* must still apply. *Id.*

That footnoted, unexplored reasoning misses the sea-change wrought by *Loper Bright*. *Loper Bright* undercuts the reasoning and analysis in *Kisor*. The interpretation of the guideline here is indisputably a question of law. *See*, *e.g.*, *Trumbull*, 114 F.4th at 1117. Also indisputably, guidelines are interpreted as statutes. *See*, *e.g.*, *Scheu*, 83 F.4th at 1128. Unlike judicial deference to agency fact determinations, *Loper Bright* was unequivocal: courts do "not extend similar deference to agency resolutions of questions of *law*." *Loper Bright*, 603 U.S. at 387 (emphasis in original).

Acknowledging that its commentary addresses questions of law, the Sentencing Commission characterizes its commentary as having the same legal "force of policy statements" and instructs that a court's failure to follow the commentary "could constitute an incorrect application of the guidelines, subjecting the sentence to possible reversal on appeal. *See* 18 U.S.C. § 3742." U.S.S.G. § 1B1.7. But the commentary – unlike the guidelines – is not expressly authorized by statute, not issued following mandatory notice-and-comment rulemaking, and not mandatorily subject to congressional review.

More fundamentally, Congress did not expressly authorize the Commission to issue commentary. *Stinson v. United States*, 508 U.S 36, 41 (1993). The Sentencing Reform Act "does not in express terms authorize the issuance of commentary," but "the Act does refer to it." *Stinson*, 508 U.S. at 41. That reference was in now-Constitutionally-excised 18 U.S.C. § 3553(b), which was not a congressional delegation to the Commission, but an instruction to sentencing courts. Before § 3553(b) was excised by the Court in *United States v. Booker*, 543 U.S. 220 (2005), it stated that in determining whether to depart, courts "shall consider only" the "guidelines, policy statements, and official commentary of the Sentencing Commission."

Loper Bright rejects the Commission's expansion of its own authority: "At best, our intricate *Chevron* doctrine has been nothing more than a distraction from the question that matters: Does the statute authorize the challenged agency action?" 603 U.S.. at 406 (underline added). The answer, here, is no. Congress never authorized commentary. And under *Loper Bright*, courts cannot deem a text to be ambiguous and then defer to an agency for the correct, legal interpretation to bind the judiciary.

As Judge Bea recognized, when judges interpret a guideline, "[t]he baseline of judicial review stays in place". *Trumbull*, 1144 F.4th at 1123 (Bea, J.,

concurring). When that judicial review defers to agency interpretation, the Court violates *Loper Bright* by "assigning our interpretive authority – the core of the judicial power – to an agency." *Id*. at 1124 (citing *Kisor*, 588 U.S. at 580-81).

Claimed ambiguity drove the deference to the commentary here. *Trumbull*, 114 F.4th at 1119. Yet, "*Loper Bright* questioned whether ambiguity can even serve as a valid benchmark when it comes to a court's interpretive role." *Id*. at 1126 (Bea, J., concurring).

Loper Bright did not just question whether ambiguity could justify deference to agency legal interpretation. It rejected it. "Such an impressionistic and malleable concept cannot stand as an every-day test for allocating interpretive authority between courts and agencies." *Id.* (quoting *Loper Bright*, 603 U.S. at 408).

The agency deference in *Kisor*, and here, is premised, first and foremost, on that very ambiguity to allocate legal authority to the commentary. "*Kisor* held that a court should defer to an agency's interpretation of its own regulation if (1) the regulation is 'genuinely ambiguous' after 'exhaust[ing] all the 'traditional tools of construction'[.]" *Trumbull*, 114 F.4th at 1118 (quoting *Kisor*, 588 U.S. at 574-79). That reasoning "is clearly irreconcilable with the reasoning or theory", *Miller v. Gammie*, 335 F.3d 889, 893 (9th Cir. 2003) (en banc), in *Loper Bright*, which expressly rejected ambiguity as "an impressionistic and malleable concept . . . as an

every-day test for allocating interpretive authority between courts and agencies." 603 U.S. at 408. *See also id.* at 392 (APA "specifies that courts, not agencies will decide '*all* relevant questions of law' arising on review of agency action, § 706 (emphasis added by Court) – even those involving ambiguous laws – and set aside any such action inconsistent with the law as they interpret it."). Indeed, referencing *Kisor*, this Court rejected the deferential adjudication of the question of law here: "Congress surely would have articulated a similarly deferential standard applicable to questions of law had it intended to depart from the settled pre-APA understanding that deciding such questions was 'exclusively a judicial function.'" *Id.* (quoting *United States v. American Trucking Assns.*, 310 U.S. 534, 544 (1940)).

This Court repeatedly explained that ambiguity cannot trigger agency deference. "[A]mbiguity is not a delegation to anybody, and a court is not somehow relieved of its obligation to independently interpret the statute." *Id*. at 400. Courts, not agencies, must "use every tool at their disposal to determine the best reading of the statute and resolve the ambiguity." *Id*.

> The very point of the traditional tools of statutory construction – the tools courts use every day – is to resolve statutory ambiguities. That is no less true when the ambiguity is about the scope of an agency's own power – perhaps the occasion on which abdication in favor of the agency is *least* appropriate.

Id. at 401 (italics in original); *see also id*. at 402 ("*Chevron*'s broad rule of deference, though, demands that courts presume just the opposite. Under that rule, ambiguities of all stripes trigger deference."). And, quoting *Kisor*, this Court noted that deference cannot be justified "just because a court has an 'agency to fall back on.'" *Id*. at 403 (quoting *Kisor*, 588 U.S. at 575). Nonetheless, that is exactly how the lower court adjudicated here.

D. The Court of Appeals' failure to abide by *Loper Bright* is a matter of exceptional importance.

There is no criminal law exception to the separation of powers. There is no sentencing exception to the separation of powers. There is no liberty deprivation exception to the separation of powers.

Loper Bright's logic applies equally to reject administrative deference in the context of ambiguous agency regulations with criminal applications, where the rule of lenity and the doctrine of constitutional avoidance require narrow construction. The rule requiring that "ambiguities about the breadth of a criminal statute should be resolved in the defendant's favor" is "'perhaps not much less old than the task of statutory construction itself.'" *United States v. Davis*, 588 U.S. 445, 464 (2019) (quoting *United States v. Wiltberger*, 18 U.S. 76, 95 (1820)). The rule is "founded on 'the tenderness of the law for the rights of individuals' to fair notice of the law 'and on the plain principle that the power of punishment is vested in the legislative,

not in the judicial department.'" *Id*. at 464-65. The Court of Appeals' majority fails to distinguish between civil and criminal contexts: only criminal law involves lenity rules, and deferring to agencies to expand punishment in that context "represent[s] almost the *inverse* of the rule[] of lenity[.]" *Loper Bright*, 603 U.S. at 435, n.5 (Gorsuch, J., concurring) (emphasis in original).

Last year, federal judges sentenced 64,126 individuals. United States Sentencing Commission, Interactive Data Analyzer (available at https://ida.ussc.gov/analytics/saw.dll?Dashboard (last accessed November 19, 2024)). The Guidelines are the "starting point" for those sentences. *Rosales-Mireles v. United States*, 585 U.S. 129, 144 (2018). Each of those sentences deprived liberty, even where the defendants received probation (which is relatively rare). *Gall v. United States*, 522 U.S. 38, 48-49 (2007).

In the Ninth Circuit, 12,152 individuals were sentenced last year. United States Sentencing Commission, Interactive Data Analyzer (available at https://ida.ussc.gov/analytics/saw.dll?Dashboard (last accessed November 19, 2024)). Under the lower court's opinion, the sentencing judge can rely on the commentary to interpret the governing guideline that the judge deems ambiguous if the commentary "meets the extensive requirements for deference laid out in *Kisor*." *Trumbull*, 114 F.4th at 1120. That reasoning is irreconcilable with *Loper Bright*,

which repeatedly and emphatically ruled that ambiguity cannot trigger such deference.

This Court should address the exceptionally important need to correct course in precedent that applies *Chevron* and its progeny to defer to agencies in a range of criminal contexts. The agencies affected include not only the Sentencing Commission but executive agencies that construe firearms prohibitions, immigration statutes, and ameliorative sentencing statutes. The Court should not defer to Sentencing Commission commentary – or any agency interpretation of penal laws – but, instead, should exercise independent judicial review under traditional rules of statutory construction, which include the rule of lenity and the doctrine of constitutional avoidance.

Here, the Court of Appeals approved agency deference based on *Kisor* after purportedly exhausting "traditional tools of construction." *Trumbull*, 114 F.4th at 1118. But the Court of Appeals failed to note that the narrow reading of penal statutes is the traditional tool of construction that applies to interpretations of ambiguous criminal prohibitions as well as to the penalties they impose. *Bifulco v. United States*, 447 U.S. 381, 387 (1980) ("In past cases the Court has made it clear that [the rule of lenity] applies not only to interpretations of the substantive ambit of criminal prohibitions, but also to the penalties they impose."); *see United States v.*

R.L.C., 503 U.S. 291, 306 (1992) ("[T]he rule has been applied not only to resolve issues about the substantive scope of criminal statutes, but to answer questions about the severity of sentencing[.]"). *Loper Bright*'s rejection of "implicit delegations to agencies," 603 U.S. at 399, should apply equally in the criminal context to agency interpretations of ambiguous regulations. This Court should grant certiorari to apply the reasoning and result required by *Loper Bright*.

CONCLUSION

Mr. Trumbull respectfully requests this Court grant his petition for certiorari.

RESPECTFULLY SUBMITTED this 17th day of March, 2024.

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