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April 23, 2026

The Honorable Scott Harris
Clerk of Court
Supreme Court of the United States
1 First Street NE
Washington, D.C. 20543

Re: *Gator's Custom Guns, Inc., et al. v. State of Washington*
U.S. Supreme Court Docket No. 25-153

Dear Mr. Harris:

This letter is submitted pursuant to Rule 15.8 to alert the Court of new developments that may bear on this Court's consideration of the Petition in this case. This case is scheduled for conference on April 24, 2026. To ensure that the Court has this information prior to any conference on the Petition, I am providing this information in a letter to the Court.

On March 11, 2026, Petitioners filed a supplemental brief advising the Court of the D.C. Court of Appeals' opinion in *Benson v. United States*, No. 23-CF-0514, 2026 WL 628772 (D.C. Mar. 5, 2026), contending that the opinion created a circuit split on the constitutionality of laws restricting the manufacture, import, and sale of large capacity magazines. But that opinion has now been vacated. On April 22, 2026, the D.C. Court of Appeals voted to rehear *Benson en banc* and to vacate its March 5, 2026, opinion and judgment. A copy of that Order is attached hereto. As a result of that Order, the State of Washington reiterates that "[e]very court of appeals to consider this issue has upheld restrictions on LCMs." Br. in Opp'n at 2.

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I would appreciate if you could circulate this letter so that the Court will be aware of this new information when it considers the petition.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew R.W. Hughes".

Andrew R.W. Hughes
Assistant Attorney General
206-464-7744

lrw

Attachment

cc: Counsel of Record

**District of Columbia
Court of Appeals**

No. 23-CF-0514

TYREE BENSON,

Appellant,

v.

UNITED STATES,

Appellee,

and

DISTRICT OF COLUMBIA,

Intervenor-Appellee.



2022-CF2-005996

BEFORE: Blackburne-Rigsby, Chief Judge, and Beckwith, Easterly, McLeese, Deahl, Howard, and Shanker, Associate Judges.

ORDER

On consideration of intervenor-appellee District of Columbia's petition for rehearing en banc; and it appearing that a majority of the judges of this court has voted to grant the petition for rehearing en banc, it is

ORDERED that intervenor-appellee District of Columbia's petition for rehearing en banc is granted and the opinion and judgment of March 5, 2026, are hereby vacated. It is

FURTHER ORDERED that the Clerk shall schedule this matter for argument before the court sitting en banc as soon as the calendar permits. Oral argument time shall not exceed 45 minutes per side. It is

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FURTHER ORDERED that appellant shall file a brief within 30 days from the date of this order; appellee and intervenor-appellee shall file responsive briefs within 30 days after filing of appellant's opening brief; and any reply brief shall be filed within 21 days thereafter. Any amicus brief shall be filed within 7 days of the opening brief of the party it supports. These new briefs shall be specifically designed for consideration by and addressed to the en banc court and shall supersede all briefs previously filed in this appeal. The parties should focus their briefs on the following issues:

- (1) Whether the District's ban on firearm magazines capable of holding "more than 10 rounds of ammunition" violates the Second Amendment, either facially or as applied, and, if so, which of appellant's convictions should be reversed as a result of that constitutional infirmity; and
- (2) Whether the District's licensing and registration requirements violate the Second Amendment.

PER CURIAM

Copies e-served to:

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