No. 25-421

In the
Supreme Court of the United States

NATIONAL ASSOCIATION FOR GUN RIGHTS
AND TONI THERESA SPERA FLANIGAN,

Petitioners,

v.

NED LAMONT, IN HIS OFFICIAL CAPACITY AS THE
GOVERNOR OF THE STATE OF CONNECTICUT, ET AL.,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

BRIEF OF AMICI CURIAE MINNESOTA GUN OWNERS LAW CENTER, MINNESOTA GUN OWNERS CAUCUS, CALIFORNIA RIFLE & PISTOL ASSOCIATION, AND SECOND AMENDMENT LAW CENTER IN SUPPORT OF PETITIONERS

C.D. Michel
Counsel of Record
Anna M. Barvir
MICHEL & ASSOCIATES, P.C.
180 E. Ocean Blvd., Ste. 200
Long Beach, CA 90802
(562) 216-4453
cmichel@michellawyers.com

Rob T. Doar
MN GUN OWNERS LAW CENTER
MN GUN OWNERS CAUCUS
PO Box 131718
St. Paul, MN 55113
(612) 424-4032
rob.doar@gunowners.mn
Counsel for Amici Curiae

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AMICI CURIAE STATEMENT OF INTEREST[1]

The Minnesota Gun Owners Law Center (MGOLC) is a 501(c)(3) non-profit legal organization that engages in education, litigation, and policy work to protect and restore the right to keep and bear arms in Minnesota. The Minnesota Gun Owners Caucus (MGOC) is a 501(c)(4) grassroots advocacy organization with thousands of members across the state of Minnesota. Both entities work on behalf of law-abiding Minnesota citizens who rely on constitutionally protected arms for self-defense, hunting, sporting, and other lawful purposes.

Founded in 1875, California Rifle & Pistol Association, Incorporated (CRPA), is a nonprofit organization that seeks to defend the Second Amendment and advance laws that protect the rights of individual citizens. CRPA works to preserve the rights of gun ownership, including the right to self-defense, the right to hunt, and the right to keep and bear arms. CRPA is also dedicated to promoting shooting sports, providing education, training, and competition for adult and junior shooters. In service of

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[1] No counsel for a party, nor any party, made a monetary contribution to fund this brief. No person other than the amicus parties, its members or counsel, made a monetary contribution intended to fund the preparation or submission of this brief.

Of Counsel for Amici MGOLC and MGOC is not a member of the Bar of this Court. To comply with the Rules, Amici arranged for co-counsel to represent Amici MGOLC and MGOC as counsel of record. But shortly before the deadline to provide notice under Rule 37.2(a), that attorney became unavailable. Amici promptly secured replacement counsel and, immediately upon doing so, provided notice to all parties on October 30, 2025. Despite this brief delay in notice, Petitioners have consented to the filing of this brief. As of the time of printing, Respondents have not yet responded to Amici's notice or request for consent.

these ends, CRPA regularly participates as a party or amicus in firearm-related litigation.

Second Amendment Law Center, Inc. (2ALC) is a nonprofit corporation in Henderson, Nevada. 2ALC defends the individual rights to keep and bear arms as envisioned by the Founders. 2ALC also educates the public about the social utility of firearm ownership and provides accurate historical, criminological, and technical information to policymakers, judges, and the public.

SUMMARY OF ARGUMENT

The ruling by the United States Court of Appeals for the Second Circuit in *Lamont* cannot be reconciled with the standards articulated in *District of Columbia v. Heller*, 554 U.S. 570 (2008), and *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1 (2022). It marks a dangerous return to the now-repudiated approach of judicial interest balancing, thinly disguised as historical reasoning. In so doing, the court below effectively nullified the core holding of *Heller*—that arms "in common use" for lawful purposes are protected by the Second Amendment.

The Second Circuit's error was not subtle. The court openly acknowledged that AR-15-style rifles and magazines capable of holding more than ten rounds are "in common use" by law-abiding Americans. But it nevertheless upheld a categorical ban on their possession, resting on the theory that the state may prohibit any weapon it deems "unusually dangerous." That standard is both textually alien and historically baseless. The Second Amendment entrusts such judgments to the People themselves, whose widespread adoption of these arms defines what is "in common use." Neither courts nor legislatures may substitute their policy preferences for the People's constitutional choice.

The court's substitution of a vague "unusually dangerous" test for *Heller*'s conjunctive "dangerous and unusual" standard invites precisely the kind of empirical weighing and policy-driven disarmament that *Bruen* explicitly foreclosed. Worse, it has fueled a deepening conflict among the circuits over how to determine which arms are constitutionally protected.

In the wake of *Bruen*, several circuits have introduced a de facto two-step inquiry. Within that framework, some circuits treat "common use" as a threshold question at Step One; others consider it part of the historical analysis at Step Two. Both formulations misunderstand *Bruen*'s command that the Second Amendment inquiry proceeds in a single, text- and history-based step. Worse yet, other circuits reject "common use" as relevant altogether[2] or redefine "arms" to exclude magazines and semiautomatic rifles.[3] This fragmentation ensures that identical conduct is protected in one jurisdiction and criminalized in another—an untenable state of affairs for any constitutional right.

Amici urge the Court to grant certiorari to restore the Second Amendment to its rightful place in the constitutional order. *Bruen* called for an "unwavering" commitment to text, history, and tradition—not a return to the subjective balancing tests that preceded it. The decision below not only misapplies that mandate but endangers the liberty it was meant to protect.

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[2] The Seventh Circuit downplays "common use" entirely, *Bevis v. City of Naperville*, 85 F.4th 1175, 1192-94 (7th Cir. 2024), while the Ninth reintroduces interest balancing by focusing on an arm's "lethality," *Duncan v. Bonta*, 133 F.4th 852, 865-69 (9th Cir. 2025).

[3] *See, e.g.*, *Bianchi v. Brown*, 111 F.4th 438, 461 (4th Cir. 2024) (en banc), cert. denied sub nom. *Snope v. Brown*, No. 24-203 (U.S. June 2, 2025).

ARGUMENT

I. The Second Circuit's Decision Effectively Nullifies This Court's Precedents By Rejecting "Common Use" as a Constitutional Limitation on the Government's Power.

The Second Circuit's decision upends the framework this Court has repeatedly affirmed: That the Second Amendment protects those arms "typically possessed by law-abiding citizens for lawful purposes." *Heller*, 554 U.S. at 625. This common-use standard is not a guideline. It is a rule of constitutional law. And it operates as a shield against government efforts to criminalize widespread, peaceful firearm ownership.

The court below recognized that AR-15-style rifles and standard-capacity magazines are "in common use." It cited extensive evidence of their ubiquity: Tens of millions of AR-platform rifles in civilian hands and hundreds of millions of magazines capable of holding more than ten rounds. By any measure—market saturation, household ownership, frequency of lawful use—these arms fall well within the protective scope of the Second Amendment as defined in *Heller*.

But rather than apply that standard, the court discarded it, treating "common use" as neither dispositive nor even particularly relevant. Its analysis suggested that courts may override common use when presented with concerns about a firearm's power, features, or public reputation. That is doctrinally indefensible.

In *Heller*, this Court was unambiguous: "[T]he Second Amendment extends, prima facie, to all instruments that constitute bearable arms, even those that were not in existence at the time of the founding" so long as they are "typically possessed by law-abiding citizens for lawful purposes." 554 U.S. at 625. The Court thus struck down a ban on handguns because they were "overwhelmingly chosen" by Americans for self-defense. *Id.* at 628.

The Court did not ask whether handguns were the safest option. It did not ask whether the government's public safety justifications were persuasive. It asked only whether the arms in question were commonly possessed for lawful purposes—and they were. The opinion made clear that the Second Amendment protects the choices of the people, not the preferences of lawmakers or judges. "[I]t is not the role of this Court to pronounce the Second Amendment extinct." *Id.* at 636.

That same principle governed the per curiam decision in *Caetano v. Massachusetts*, 577 U.S. 411 (2016). There, the Massachusetts Supreme Judicial Court upheld a stun gun ban on the ground that such weapons were both dangerous and not traditionally protected. This Court reversed. "[T]he pertinent Second Amendment inquiry is whether [the arm] is commonly possessed by law-abiding citizens for lawful purposes today." *Id.* at 420 (Alito, J., concurring). The Court emphasized that "hundreds of thousands" of such weapons were in civilian hands, which was enough to invoke constitutional protection.

The Second Circuit openly rejected this approach. Despite acknowledging that millions of law-abiding

Americans possess the banned firearms and magazines, it determined that this fact did not preclude prohibition. *See* Pet.App.41a–43a. Worse, the court framed "common use" not as a constitutional boundary, but as a threshold that could be overcome through judicial fact-finding or policy assessment.

That approach is not an application of *Heller*. It is a repudiation. The point of the common-use standard is that once a weapon is in lawful circulation on a broad scale, the state may not declare it contraband. The Second Amendment does not permit the government to criminalize the possession of commonly owned arms based on what it considers better or safer alternatives. As *Heller* explained, "[i]t is no answer to say ... that it is permissible to ban the possession of handguns so long as the possession of other firearms (i.e., long guns) is allowed." 554 U.S. at 629.

Yet the Second Circuit returned to precisely that rejected logic. It suggested that AR-15s and standard magazines could be banned because other arms are "available" for self-defense. That reasoning effectively nullifies the principle that law-abiding Americans have the right to select arms suitable to their own defensive needs.

Equally troubling is the extent to which other circuits have followed—or diverged from—this path. A growing and unresolved split now exists among the courts of appeals regarding how and where "common use" fits within the *Bruen* framework. Some courts, like the Second and Tenth Circuits, treat the "common use" analysis as a threshold question, asking whether the item qualifies as an "arm" that is covered by the Second Amendment's plain text. *Antonyuk v. James*,

120 F.4th 941, 981 (2d Cir. 2024); *United States v. Morgan*, 150 F.4th 1339, 1346 (10th Cir. 2025). While others, like the Sixth Circuit, address "common use" within the historical inquiry as part of a supposed second step. *United States v. Bridges*, 150 F.4th 517, 526 (6th Cir. 2025). But *Bruen* itself rejected the notion of a two-step test as "one step too many." 597 U.S. at 2. The Second Amendment inquiry is a single, unified examination of text and history—not a divided framework that invites judicial invention.

This divergence has direct consequences for what firearms citizens can legally possess. In jurisdictions like the Seventh and Ninth Circuits, courts have entertained bans on some of the most popular firearms and accessories in America by suggesting that widespread ownership is insufficient if the weapon is not "primarily" used for lawful defense of self or others, or if it shares characteristics with military weapons. *See Duncan*, 133 F.4th at 867-68; *Bevis*, 85 F.4th at 1192-94.

That standard cannot be squared with *Heller*, which did not require evidence that handguns were often discharged in self-defense to justify their protection. Nor did it suggest that arms with some military lineage—like the M1911 pistol or the AR-15's civilian analogue—lose constitutional coverage. To the contrary, *Heller* affirmed that arms "in common use" are protected, full stop. 554 U.S. at 627.

Moreover, the standard for "common use" was not left undefined by this Court. It is met when citizens broadly possess the weapon for lawful purposes. In *Caetano*, it was enough that "hundreds of thousands" of Americans possessed stun guns for lawful purposes.

577 U.S. at 420 (Alito, J., concurring). In *Heller*, tens of millions of handguns established the point. Here, the numbers are even more stark: Over 30 million AR-15-style rifles and over 700 million magazines capable of holding more than ten rounds are in circulation.[4] There is no rational way to argue that these arms are not "common." The only way around the *Heller* rule is to pretend that common use is no longer decisive—which is precisely what the Second Circuit did.

This methodological drift undermines the Second Amendment's status as a national constitutional guarantee. In practice, it creates a geography-based privilege. In one jurisdiction, a citizen may lawfully possess a standard semiautomatic rifle or magazine. In another, that same citizen becomes a criminal, not because the arm is uncommon or dangerous, but because a court has decided that commonality no longer matters. That fragmentation offends both the text of the Second Amendment and the incorporation doctrine reaffirmed in *McDonald v. City of Chicago*, 561 U.S. 742 (2010).

The result is a tiered constitutional landscape. In some circuits, the choices of millions of Americans are constitutionally dispositive. In others, they are

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[4] According to the Bureau of Alcohol, Tobacco, Firearms and Explosives, the number of rifles in civilian circulation has expanded dramatically over the last two decades, reflecting the steady modernization of the American household arsenal. *See* Bureau of Alcohol, Tobacco, Firearms, & Explosives, *Firearms Commerce in the United States: Statistical Update 2024*, at 1-3 (2024), *available at* https://www.atf.gov/resource-center/data-statistics (last accessed Nov. 5, 2025). *See also* Nat'l Shooting Sports Found., *NSSF Releases Most Recent Firearm Production Figures* (Jan. 15, 2025), https://www.nssf.org/articles/nssf-releases-most-recent-firearm-production-figures-2/ (last accessed Nov. 5, 2025).

irrelevant. In some states, a Glock 17 with its standard 17-round magazine is presumptively protected. In others, the owner is presumed guilty of possessing contraband. No other enumerated right suffers such treatment.[5] The courts do not assess whether certain books or speech are "too dangerous" or "insufficiently necessary." They do not analyze whether a particular religious practice is "overused." Yet with the Second Amendment, courts have slipped back into the old habit of asking whether the people have made the "right" choice in selecting their arms.

That question is not for the courts. The right to keep and bear arms is vested in the individual. It protects the arms that Americans actually choose—not those a legislature might prefer. That principle anchors the Second Amendment.

II. The Second Circuit's Reformulation of the "Dangerous and Unusual" Standard Defies Text, History, and Precedent.

When this Court in *Heller* identified the narrow class of arms that could be restricted—those deemed "dangerous *and* unusual"—it drew from a deep and well-defined legal tradition. The rule was conjunctive, not disjunctive: Arms must be both dangerous *and* unusual to fall outside the Second Amendment's

[5] Courts have long cautioned against relegating the Second Amendment to "a second-class right." *McDonald,* 561 U.S. at 780; *Bruen*, 597 U.S. at 70 (faulting lower courts for applying "an entirely different body of rules than the other Bill of Rights guarantees"). *See also Rogers v. Grewal*, 140 S. Ct. 1865, 1867 (2020) (Thomas, J., dissenting from denial of certiorari) (criticizing lower-court resistance to *Heller*). This fractured approach has produced what Justice Kavanaugh called a "geography-based hierarchy of rights." *Snope v. Brown*, 145 S. Ct. 1534, 1535 (2025) (statement respecting denial of certiorari).

protection. *Heller* emphasized that the Amendment "does not protect those weapons not typically possessed by law-abiding citizens for lawful purposes," relying on the historic phrase "dangerous and unusual weapons." 554 U.S. at 625 (quoting *United States v. Miller*, 307 U.S. 174, 178 (1939)). Weapons that are dangerous but common—or unusual but harmless—remain protected. That limitation was deliberate, grounded in centuries of Anglo-American law.[6]

Several courts and judges have recognized that *Heller*'s "dangerous and unusual" standard is categorical, not a sliding scale. *See, e.g.*, *Heller v. District of Columbia (Heller II)*, 670 F.3d 1244, 1260 (D.C. Cir. 2011) ("[We] must also ask whether the prohibited weapons are typically possessed by law-abiding citizens for lawful purposes."); *Duncan*, 133 F.4th at 903 (VanDyke, J., dissenting) ("'A weapon may not be banned unless it is *both* dangerous *and* unusual.") (emphasis added). As *Heller* made clear, only weapons not "in common use at the time" fall outside the Amendment's protection. 554 U.S. at 627. Naturally, common ownership negates "unusualness." And once a weapon is not unusual, its alleged "dangerousness" is constitutionally irrelevant.

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[6] *See generally* 4 William Blackstone, *Commentaries on the Laws of England* 148-49 (1769) (explaining that punishment applied only to those who carried "dangerous and unusual weapons" to the terror of the public). This formulation was carried forward through the nineteenth century. *See, e.g.*, *State v. Huntly*, 25 N.C. 418 (1843) (interpreting right to bear arms as consistent with laws punishing those who carry "unusual and dangerous weapons to the terror of the people"). Moreover, such restrictions targeted acts of intimidation, not the mere possession of common arms.

Treating "dangerousness" alone as a sufficient basis for banning an entire class of arms, the Second Circuit quietly rewrote the test, holding that the state may prohibit certain arms because, in the legislature's view, they are "*unusually dangerous*." Pet.App.43a ("[E]ven assuming arguendo that [the arms] are 'typically possessed' … we disagree that *Heller* and *Bruen* shield popular weapons from review of their potentially unusually dangerous character."). This reasoning subordinates "common use" to policy preference and contradicts *Heller*, *Caetano*, and *Bruen*.

The Second Circuit's reformulation turns a narrow historical exception into a broad license for disarmament. Indeed, by collapsing the conjunctive "dangerous and unusual" formulation into a single question of perceived "dangerousness," the court below inverted *Heller*'s logic, empowering legislatures to outlaw the very arms most common precisely because they are most effective for lawful defense. But the "dangerous and unusual" formulation was never meant to function as a balancing test. It is a threshold screen, designed to exclude a narrow band of weapons outside the historical scope of the right.

The Second Amendment was adopted in a world where civilian and military arms were functionally identical and expected to be brought to militia service.[7] No Founding-era source suggests that military-grade arms were too dangerous for civilian

[7] *See Miller*, 307 U.S. at 179 (observing that the militia "comprised all males physically capable of acting in concert for the common defense" and that when called for service "these men were expected to appear bearing arms supplied by themselves and of the kind in common use at the time").

possession and use. On the contrary, the assumption was that citizens would need them to oppose both lawlessness and tyranny. As this Court put it in *Heller*, the Second Amendment was meant to protect "against both public and private violence." 554 U.S. at 594.

The claim that an arm can be banned because it is "too dangerous" thus has no grounding in the text or history of the Second Amendment. Nor is there support in the Court's post-*Heller* jurisprudence for stripping protection from weapons based on their efficiency, lethality, or resemblance to military firearms.

The AR-15, in particular, is a textbook example of an arm in common lawful use. It is the most popular rifle platform in the United States.[8] It is semiautomatic, firing one round per trigger pull—just like most handguns. It is highly customizable and well-suited for sport shooting, hunting, and home defense. That it may resemble the M16 cosmetically is not constitutionally meaningful. Functionally, it is distinct. Legally, it is owned by millions of citizens without incident.

The standard-capacity magazines that accompany these guns—typically holding 20 or 30 rounds—are similarly ubiquitous. They are not "extended" magazines or exotic add-ons. As noted earlier, more than 700 million magazines capable of holding more than ten rounds are in civilian circulation. These magazines are standard with popular handguns. And

[8] *See* NSSF, *supra* note 4 (reporting 30.7 million modern sporting rifles in circulation since 1990 and stating MSRs are "the most popular centerfire rifle sold in America today").

they are used every day by law-abiding Americans with no criminal consequences.

To characterize such common equipment as "unusually dangerous" is to strip the word "unusual" of all meaning. If anything, the extraordinary prevalence of these arms should make them presumptively protected. The Court in *Caetano* reaffirmed that "hundreds of thousands" of stun guns in lawful circulation were sufficient to meet the "common use" standard. 577 U.S. at 420 (Alito, J., concurring). Here, the numbers are not in the hundreds of thousands, but in the hundreds of millions.

Judge Walker's concurrence attempts to salvage the Second Circuit's reasoning by invoking modern mass shootings and suggesting that certain arms' "lethality" justifies categorical prohibition. Pet.App.48a–49a. But this is a quintessential example of interest balancing—the exact form of judicial analysis *Bruen* declared off-limits. Pet.App.39a. The argument that a certain weapon may be banned because it is especially lethal, or especially common in crime, is not a constitutional limitation. It is a policy conclusion. And *Bruen* made clear that the Second Amendment does not permit judges to reweigh policy tradeoffs already settled by the constitutional text.

But even if an arm's use in crime were constitutionally relevant, it would only reinforce the constitutional protection for AR-15s and standard magazines. Unlike the Bowie knives, slung shots, or fighting knives of the past, AR-15s are overwhelmingly purchased, owned, and used for lawful purposes, including home defense, hunting,

sport, and training. They are stored openly, sold at licensed dealers, and covered by a dense network of federal and state laws. They are not the weapons of criminals; they are tools of responsible citizens. Indeed, any empirical review undermines the claim that rifles—of any kind—present a uniquely grave threat. According to the FBI's latest report on the matter, rifles accounted for fewer than 3% of all homicides nationwide, a category that includes all types of rifles, not just semiautomatic or AR-15-pattern firearms.[9]

To ban such arms based on their utility in tragic, but thankfully statistically rare, criminal events is to invert the Second Amendment. It permits punishment of the law-abiding for the actions of the lawless. Worse, it reintroduces a vague standard—"unusually dangerous"—that has no fixed definition, no historical roots, and no principled limit. If an AR-15 is "unusually dangerous," why not a .308 hunting rifle? If a 30-round magazine is too large, why not 15? Or 10? Or 5? Once this Court permits constitutional rights to hinge on perceived danger, it invites a sliding scale of prohibition based not on tradition, but on fear.

The Court should reject this manipulation of its precedent. "Dangerous and unusual" is a limited exception, not a loophole. It is a doctrinal fencepost, not a license for interest balancing. And most importantly, it is not a roving warrant for

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[9] *See* Fed. Bureau of Investigation, *Uniform Crime Reporting (UCR) Program, Expanded Homicide Data Table 8: Murder Victims by Weapon, 2015-2019*, *available at* https://ucr.fbi.gov (last accessed Nov. 4, 2025). The FBI's *Crime Data Explorer* confirms that this trend continued into 2024. *See* Fed. Bureau of Investigation, *Crime Data Explorer*, https://cde.ucr.cjis.gov/ (last accessed Nov. 5, 2025).

disarmament based on evolving legislative preferences.

The Second Circuit's decision, if left intact, invites courts and legislatures to outlaw common arms simply because they are effective. But the Second Amendment protects capability, not complacency. It secures the right to possess arms suitable for self-defense and defense of the state—a right grounded in preparedness, not optimism. To withdraw protection whenever a weapon proves too capable is to reduce the Second Amendment to a hollow formality.

That cannot be the law. The controlling test remains that arms "in common use" by law-abiding citizens for lawful purposes are constitutionally protected. Judicial unease or public fear cannot rewrite that principle, nor can modern anxieties erase it from the Constitution.

III. The Second Circuit's Reasoning Relies on the Interest Balancing Approach Expressly Rejected In *Bruen*.

At the heart of *Bruen* lies a categorical rejection of interest balancing as a method for evaluating firearm regulations. Yet the Second Circuit's opinion in *Lamont* does exactly what this Court forbade: It weighs the government's asserted public safety interests against the Second Amendment's text and the historical traditions that define its scope.

Bruen made the standard unequivocal. "[W]hen the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct," and "[t]o justify its regulation, the government may not simply posit that the

regulation promotes an important interest." 597 U.S. at 17. Instead, it must demonstrate that the regulation is "consistent with this Nation's historical tradition of firearm regulation." *Id.* at 24.[10] The Court dismissed the two-step, means-end scrutiny applied by many lower courts as inconsistent with the constitutional design: "*Heller* and McDonald expressly rejected the application of any judge-empowering 'interest-balancing inquiry.'" *Id.* at 22.

Even so, the Second Circuit returned to precisely that form of analysis. It emphasized the AR-15's "lethality," its use in mass shootings, and the availability of "adequate alternatives." Pet.App.43a–45a. These considerations—however politically salient—are not historical arguments. They are modern policy justifications.[11] They ask whether the state's goal (reducing gun violence) is worth the burden on the right. But that is not the test. As this Court explained in *Heller*, "[t]he very enumeration of the right takes out of the hands of government—even the Third Branch of Government—the power to decide on a case-by-case basis whether the right is really worth insisting upon." 554 U.S. at 634.

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[10] *See Bruen*, 597 U.S. at 19-24 (rejecting means-end scrutiny and requiring the government to justify restrictions through historical tradition); *McDonald*, 561 U.S. at 790-91 (plurality) (disapproving "interest-balancing" as inconsistent with enumerated rights). *See also Ezell v. City of Chicago*, 651 F.3d 684, 703 (7th Cir. 2011) ("We know of no other enumerated constitutional right whose core protection has been subjected to a freestanding 'interest-balancing' approach").

[11] Judges have warned that policy judgments about a weapon's "lethality" or "necessity" cannot supply a constitutional test. *See, e.g.*, *Caetano*, 577 U.S. at 418 (Alito, J., concurring) ("[T]he relative dangerousness of a weapon is irrelevant when the weapon belongs to a class of arms commonly used for lawful purposes.").

The Second Circuit applied a means-end balancing test, exactly what *Bruen* explicitly forbids. The enduring appeal of interest balancing is understandable. It allows courts to preserve modern gun laws by claiming deference to legislative goals. But that is no substitute for constitutional reasoning. The point of *Bruen* was not to eliminate public debate. It was to cabin judicial discretion within a framework that the people themselves adopted in 1791 and reaffirmed in 1868. That framework does not allow for ad hoc judicial assessments of whether a particular magazine size is "reasonable," or whether a semiautomatic rifle "needs" to be owned by a civilian. It demands that governments show consistency with the kind of regulation the people historically accepted.

The lower courts' evasion of this rule is not benign. It rewrites the Second Amendment as a policy debate. And in doing so, it renders the right contingent on the very majoritarian impulses it was meant to restrain.

This Court should grant certiorari to reaffirm that when the people have chosen to arm themselves with certain weapons—millions strong—that judgment cannot be overridden by legislative or judicial discomfort. The Constitution demands fidelity to its structure, not flexible calibration of its promises.

CONCLUSION

For the reasons discussed above and in Petitioner's brief, this Court's intervention is both appropriate and urgently needed.

November 6, 2025

Respectfully submitted,

C.D. Michel
Counsel of Record
Anna M. Barvir
MICHEL & ASSOCIATES, P.C.
180 E. Ocean Blvd., Ste. 200
Long Beach, CA 90802
(562) 216-4453
cmichel@michellawyers.com

Rob T. Doar
MN GUN OWNERS LAW CENTER
MN GUN OWNERS CAUCUS
PO Box 131718
St. Paul, MN 55113
(612) 424-4032
rob.doar@gunowners.mn
Counsel for Amici Curiae