No. 25-5713

IN THE

Supreme Court of the United States

EMANUEL LEYTON PICON,
Petitioner,

v.

UNITED STATES, *et al.*,
Respondents.

On Petition for a Writ of Certiorari to the District of Columbia Court of Appeals

BRIEF IN OPPOSITION OF THE DISTRICT OF COLUMBIA

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COUNTERSTATEMENT OF QUESTION PRESENTED

Petitioner Emanuel Leyton Picon was convicted of multiple criminal offenses after he shot a man in the chest at point-blank range. Petitioner was 20 years old at the time of the shooting and therefore prohibited under District of Columbia law from possessing a firearm without parental consent, and from engaging in concealed carry. The question presented is whether petitioner's convictions under the District's minimum-age laws violated his Second Amendment right to self-defense.

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INTRODUCTION

Following a night-club scuffle, Emanuel Leyton Picon shot a man in the chest at point-blank range. A jury ultimately convicted him of nine criminal counts, including aggravated assault while armed. Leyton's convictions also included possession of an unregistered firearm and carrying a pistol without a license. While 18-to-20-year-olds in the District of Columbia may, with parental consent, register and therefore possess a firearm in the home, they may not engage in concealed carry. Leyton was 20 years old at the time he shot his victim.

The trial court denied Leyton's attempt to dismiss these firearm charges on the basis that they violate the Second Amendment. The court of appeals affirmed his conviction. Leyton now asks this Court to exercise its discretionary review powers to hear his case. This Court should deny the petition for two independent reasons.

First, this case is a poor vehicle for consideration of the question presented. This Court has underlined that "the Constitution presumptively protects" conduct that falls within the "Second Amendment's plain text." *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 21 (2022). But the Second Amendment right is not a "right to keep and carry" firearms "for whatever purpose." *Id.* at 24. Instead, it protects the right to keep and bear arms "for lawful purposes, most notably for self-defense." *McDonald v. City of Chicago*, 561 U.S. 742, 780 (2010). That is a problem for Leyton: a jury of his peers has concluded, beyond a reasonable doubt, that he did not use his firearm for self-defense but rather to commit a violent crime.

This defect alone makes this case a particularly bad vehicle for considering whether the District's laws infringe on the "ordinary self-defense needs" of "law-abiding citizens." *Bruen*, 597 U.S. at 60.

Second, Leyton overstates the asserted split among the federal circuit courts. Although several courts have addressed firearm sales restrictions, only two federal courts of appeals—the Third and Eighth Circuits—have assessed the constitutionality of minimum-age possession and carriage laws. Thus, as to laws that operate like the District's, the split is shallow. This Court should await further percolation of the many challenges pending in district courts around the country before it considers this issue.

If the Court does not deny the petition, it should hold it in abeyance pending its decisions in two other Second Amendment cases being considered this Term: *Wolford v. Lopez*, 116 F.4th 959 (9th Cir. 2024), *cert. granted*, No. 24-1046 (U.S. Oct. 3, 2025), and *United States v. Hemani*, No. 24-40137, 2025 WL 354982 (5th Cir. Jan. 31, 2025), *cert. granted*, No. 24-1234 (U.S. Oct. 20, 2025). Those cases may provide relevant guidance on important methodological questions common to Second Amendment disputes. And several other petitions involving age restrictions—including cases that present much better vehicles for review—appear to have already been held pending *Wolford* and *Hemani*.

STATEMENT

A. The District's Registration And Licensing Laws.

1. Any person in the District who "possess[es] or control[s]" a firearm must, with some exceptions, first obtain a registration certificate for that firearm. D.C. Code § 7-2502.01(a). Similarly, and again with some exceptions, any person in the District who possesses ammunition must have a valid registration certificate for their firearm. *Id.* § 7-2506.01(a)(3). The Chief of the Metropolitan Police Department issues registration certificates for individual firearms when a person "complete[s] a firearms training and safety class provided free of charge by the Chief" and passes a background check. *Id.* § 7-2502.03(a)(13)(A); 24 DCMR § 2314.2. The registration requirement thus ensures that firearms do not fall into the hands of individuals who, for example, have been "convicted of . . . a felony." D.C. Code § 7-2502.03(a)(2).

Among other qualifications, an applicant must also be "21 years of age or older" to obtain a registration certificate. *Id.* § 7-2502.03(a)(1). However, "an applicant between the ages of 18 and 21 years old, and who is otherwise qualified," can be issued a registration certificate "if the application is accompanied by a notarized statement of the applicant's parent or guardian" that states that the parent or guardian has given permission for the applicant to "own and use the firearm to be registered" and "[t]he parent or guardian assumes civil liability for all damages resulting from the actions of such applicant in the use of the firearm to be registered." *Id.*

2. To carry a concealed pistol in public in the District, an individual must have a license issued by the Chief. *See id.* §§ 22-4504(a), 22-4506. To qualify for a license, the applicant must be "at least 21 years of age." *Id.* § 7-2509.02(a)(1); 24 DCMR § 2332. The applicant must also meet several requirements, including registering the pistol he intends to carry and passing a background check. 24 DCMR § 2332.1. The background check screens for "suitable person[s] to be so licensed," D.C. Code § 22-4506(a); *id.* § 7-2509.02(a)(2)—that is, individuals whose "possession of a concealed pistol" would not "render" them "a danger to [themselves] or another," 24 DCMR § 2335.1(d) (2015).

3. The upshot of the District's registration and licensing laws is that 18-to-20-year-olds may, with parental consent, possess a firearm in the home, but may not engage in concealed carry. This registration and licensing framework has a long lineage in the District. As early as 1892, Congress barred persons in the District from "giv[ing] to any minor under the age of twenty-one" any "deadly or dangerous weapon[]," including a "pistol[]." Act of July 13, 1892, ch. 159, § 5, 27 Stat. 116-17.

The specific age restrictions at issue in this case were enacted as part of the Firearms Control Regulations Act of 1975, D.C. Law 1-85, 23 D.C. Reg. 1091 (1976), the Firearms Registration Amendment Act of 2008, D.C. Law 17-372, sec. 3(c), 56 D.C. Reg. 1365 (2009), and the License to Carry a Pistol Amendment Act of 2014, D.C. Law 20-279, sec. 2 & 3, 62 D.C. Reg. 1944 (2015). These laws established registration and licensing criteria, including a

minimum-age requirement of 21, to ensure guns were possessed only by individuals "whose personal and social histories do not indicate a susceptibility . . . to use any firearm in a manner which would be dangerous to themselves or to other persons." D.C. Council, Report on Bill 1-164 at 25, 33-35 (Apr. 21, 1976), *reprinted in Firearms Control Regulations Act of 1975 (Council Act No. 1-142): Hearing & Disposition on H.R. Con. Res. 694 Before the H. Comm. on the District of Columbia*, 94th Cong. (1976), https://perma.cc/48XJ-M9S7. The Council wished "to minimize the likelihood that a person who is legally authorized to carry a handgun will cause injury to another" by ensuring that licensees are not dangerous. License to Carry a Pistol Amendment Act of 2014, D.C. Council, Comm. of the Whole Report on Bill 20-930, at 2, 17 (Dec. 2, 2014). The Council expressed particular concern that "pistols have become easy for juveniles to obtain." Report on Bill 1-164 at 25.

B. Proceedings Below.

1. In the early morning hours of July 30, 2021, petitioner Emanuel Leyton Picon shot Edwin Hernandez in the chest at point-blank range. 1/5/23 Tr. 6, 92-93 (afternoon); 1/11/23 Tr. 100-02; C.A. R. Vol. I 48; C.A. R. Vol. II 680-84. Leyton was 20 years old at the time. C.A. R. Vol. I 48. The two men had been at a nightclub in Northwest Washington, D.C., when a fight broke out. 1/5/23 Tr. 52-54 (afternoon); 1/11/23 Tr. 89. The club's security ended the scuffle and, as the crowd dispersed, Leyton and Hernandez began walking towards their cars, which were parked

nearby. 1/5/23 Tr. 83-87 (afternoon); 1/11/23 Tr. 97-98.

At trial, the jury heard two very different accounts of what happened next. Hernandez's cousin, who was with Hernandez that night, testified that Leyton was walking in front of them and suddenly "turned around quickly" and, without warning, "lifted up his shirt," "pulled out a gun," and shot Hernandez in the chest. 1/5/23 Tr. 52-53, 75, 87-93, 117 (afternoon). No words were exchanged before Leyton fired his weapon, and neither Hernandez nor his cousin were "talking smack" or otherwise antagonizing Leyton. 1/5/23 Tr. 90-91 (afternoon).

Leyton told a different story. In the immediate aftermath of the shooting, Leyton hid his firearm. 1/11/23 Tr. 107. When interviewed by police, he repeatedly denied any involvement in the shooting, telling law enforcement that he believed the gunshot came from a nearby car. 1/11/23 Tr. 108-11, 130-31, 139-42. Leyton later admitted that was a lie. 1/11/23 Tr. 142. After the government retrieved Leyton's firearm, confirmed that it had been used in the shooting, and found his DNA on the gun, Leyton admitted that he had shot Hernandez. 1/10/23 Tr. 125-30; 1/11/23 Tr. 139-42. At trial, Leyton claimed that he shot Hernandez in self-defense. 1/11/23 Tr. 104, 110. By his telling, Hernandez and his cousin were "making threats," and he thought he saw them "reaching for a knife or weapon." 1/11/23 Tr. 98-100, 102-03, 124-25.

The jury rejected Leyton's claim of self-defense. It convicted him of three offenses where self-defense would have resulted in acquittal: aggravated assault

while armed, D.C. Code §§ 22-404.01, 22-4502, assault with a dangerous weapon, *id.* § 22-402, and assault with significant bodily injury while armed, *id.* §§ 22-404(a)(2), 22-4502. *See* C.A. R. Vol. II 671-72, 681-83. Leyton was also convicted of three counts of possession of a firearm during a crime of violence, D.C. Code § 22-4504(b), carrying a pistol without a license (CPWL), *id.* § 22-4504(a)(1), possession of an unregistered firearm (UF), *id.* § 7-2502.01(a), and unlawful possession of ammunition (UA), *id.* § 7-2506.01(a)(3). C.A. R. Vol. II 681-84.

2. Prior to trial, Leyton had moved to dismiss the CPWL, UF, and UA charges as unconstitutional. C.A. R. Vol. I 191-98. In support of this request, Leyton did not contend that he ever attempted to obtain a registration certificate or a license to carry. Instead, he argued that "[a]pplying *Bruen* easily demonstrates" the unconstitutionality of the District's registration and licensing laws. C.A. R. Vol. I 193.

The trial court denied Leyton's motion. App. 28a-32a. It cataloged cases that had "rejected Second Amendment challenges to age-based licensing provisions," and noted that while some of those decisions had been abrogated by *Bruen*'s rejection of means-end scrutiny, several remained persuasive because they relied on "the text and history of the Second Amendment." App. 30a-31a. The court reasoned that the "right to keep and bear arms has never been unlimited" and *Bruen* did not "expand the categories of people who may lawfully possess a gun." App. 30a-31a (internal quotation marks omitted). To the contrary, there is a "longstanding tradition of age-

and safety-based restrictions on the ability to access arms." App. 31a-32a (internal quotation marks omitted). The court concluded that the District's laws are part of this tradition and are "consistent with the text and history of the Second Amendment." App. 32a.

3. After trial, Leyton appealed his conviction, arguing, again, that the District's minimum-age requirements for firearm registration and licensing violate his Second Amendment rights. The court of appeals affirmed his convictions, remanding for the limited purpose of merging several of his convictions and resentencing as necessary. App. 2a n.1, 27a.

The court noted, first, that Leyton did not dispute that "some age-based restrictions are consistent with this Nation's historical tradition of firearm regulation." App. 12a. Instead, Leyton took issue with drawing the line at 21 rather than 18. The court next assumed, without deciding, that 18-to-20-year-olds with no criminal history are part of "the people" protected by the Second Amendment. App. 12a. But the court nonetheless concluded that the challenged regulations are "consistent with our Nation's historical tradition of firearm regulation." App. 12a.

The court canvassed a range of historical sources, including Founding-era common law, early university regulations, and state militia laws. App. 13a-19a. It ultimately concluded that "[h]istory reveals a regulatory tradition of restricting access to firearms based on age for those considered to lack the judgment and discretion to use them safely." App. 19a. At the Founding, individuals under 21 were legal infants who "lacked the reason and judgment necessary" to

exercise "legal rights," and "were subject to the power of their parents." App. 14a (quoting *Nat'l Rifle Ass'n v. Bondi*, 133 F.4th 1108, 1117 (11th Cir. 2025) (en banc)). It was "almost impossible" for minors to form "any contracts," including contracts for the purchase of firearms. App. 15a (internal quotation marks omitted). Accordingly, while those under the age of 21 served in Founding-era militias, states exempted them "from having to comply with the firearm requirement for militia service" or "required parents . . . to acquire firearms for their children[]." App. 15a-16a. Further evidencing a Founding-era understanding that legal infants could be disarmed consistent with the Second Amendment, Founding-era universities—including public universities—"commonly restricted firearm access both on and off campus." App. 16a n.2 (quoting *Bondi*, 133 F.4th at 1120).

And "[w]hen the common-law regime became less effective at restricting minors' access to firearms, statutes increasingly did the work." App. 17a (quoting *Bondi*, 133 F.4th at 1122). By the end of the 19th century, 19 states and the District restricted the purchase or use of firearms by minors. App. 17a. At base, the District's laws "address the same problems as historical age-based restrictions on firearm access: preventing those deemed to lack reason, maturity, and judgment from obtaining firearms." App. 20a-22a (first citing *Bondi*, 133 F.4th at 1122-23, and then citing *McCoy v. Bureau of Alcohol, Tobacco, Firearms & Explosives*, 140 F.4th 568, 577 (4th Cir. 2025)). And the District's laws "regulate arms-bearing conduct in no more restrictive a manner" than "Founding era

laws that limited access to firearms by those under twenty-one." App. 22a.

REASONS FOR DENYING THE PETITION

I. This Case Is A Poor Vehicle For Review Because Leyton Did Not Use His Firearm For "Ordinary Self-Defense Needs."

"[T]he right of the people to keep and bear Arms" "guarantee[s] the individual right to possess and carry weapons in case of confrontation." *Bruen*, 597 U.S. at 20 (quoting *District of Columbia v. Heller*, 554 U.S. 579, 592 (2008)). But "the right secured by the Second Amendment" is "not a right to keep and carry any weapon . . . in any manner whatsoever and for whatever purpose." *Bruen*, 597 U.S. at 21 (quoting *Heller*, 554 U.S. at 626). Instead, it protects the right to keep and bear arms "for lawful purposes, most notably for self-defense." *McDonald*, 561 U.S. at 780; *Bruen*, 597 U.S. at 32-33 (underscoring that "self-defense is 'the central component'" of the right (emphasis omitted) (quoting *Heller*, 554 U.S. at 599)).

As this Court has detailed: "when the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct." *Bruen*, 597 U.S. at 17. Accordingly, to levy a successful Second Amendment challenge, an individual must establish not only that they are part of "the people" and that the weapon at issue is an "arm" covered by the Second Amendment, but also that their "proposed course of conduct" falls within the Second Amendment's scope. *Id.* at 31-32; *see Antonyuk v. James*, 120 F.4th 941, 981 (2d Cir. 2024). That inquiry is part of *Bruen*'s first step and must be

satisfied before the court undertakes a more searching historical analysis.

Leyton stumbles at this initial hurdle. Unlike the *Bruen* plaintiffs whose proposed course of conduct was "carrying handguns publicly for self-defense," *Bruen*, 597 U.S. at 32, a jury of Leyton's peers concluded—beyond a reasonable doubt—that he did not act in self-defense. Instead, he used his gun to shoot an innocent man in the chest at close range without any warning. C.A. R. Vol. I 48; C.A. R. Vol. II 680-84; 1/5/23 Tr. 87-93, 117 (afternoon). His victim suffered life-threatening injuries: he was shot "very close to the heart," requiring a four-day hospital stay. 1/11/23 Tr. 26-27, 29. That aggressive, criminal course of conduct is not protected by the Second Amendment.

Beyond that, the record contains no indication that Leyton ever applied for a registration certificate, with parental consent or otherwise, or a license to carry. 1/11/23 Tr. 15-19. Indeed, he made no apparent attempt to comply with laws designed to ensure that he did not pose a danger to others. Nor did he preemptively challenge the District's regulations before engaging in unlawful carriage of his firearm. So he concedes, as he must, that his petition is "unlike" other petitions pending before this Court in which "law-abiding" individuals have preemptively challenged the constitutionality of minimum-age sales laws. Pet. 1.

These realities do not make the case "an excellent vehicle" for review, as Leyton suggests. Pet. 17. To the contrary, they muddy this Court's consideration of whether the District's laws infringe on the

"ordinary self-defense needs" of "law-abiding citizens." *Bruen*, 597 U.S. at 60. Because Leyton's Second Amendment claim fails at *Bruen*'s first step due to his violent conduct, the Court would not need to address the age-restriction issue to affirm the judgment below.

At a minimum, Leyton's criminal use of his handgun would prevent him from succeeding on any as-applied challenge. That means that he could only plausibly levy a facial challenge to the District's minimum-age requirements. But any facial challenge would fail, not least because the District's laws are constitutional as applied to Leyton. *United States v. Rahimi*, 602 U.S. 680, 693 (2024). Regardless, Leyton has disavowed any facial challenge to the District's laws. Pet'r's C.A. Reply Br. 4 n.4 (noting Leyton's challenge is "as applied" not "facial"); App. 12a (same). For good reason: those laws prevent 3-year-olds and 20-year-olds alike from carrying concealed weapons or possessing firearms without the requisite level of maturity and parental permission. No one in this case has ever contended that toddlers have a constitutional right to bear arms. App. 12a. Accordingly, Leyton's as-applied challenge is doomed by his course of conduct, while any facial challenge would be barred by forfeiture and common sense. All told, this case would be over before the Court had occasion to address the question presented by Leyton's purported circuit split.

If this Court wishes to consider the question presented, it should await a better vehicle—one where the petitioner sought to wield a firearm for self-defense and not for criminal purposes.

II. There Is No Entrenched Split Regarding The Constitutionality Of Minimum-Age Possession And Carriage Laws.

This Court typically grants certiorari to resolve conflicts between appellate courts of last resort. *See* S. Ct. R. 10. But as a general rule, this Court's review is warranted only when there is a "well-developed conflict." Stephen M. Shapiro et al., *Supreme Court Practice* § 4.4(b) at 4-16 (11th ed. 2019). This policy of restraint reflects the value of allowing an issue to percolate among the lower courts before this Court weighs in. *See id.*; *see also Maslenjak v. United States*, 582 U.S. 335, 354 (2017) (Gorsuch, J., concurring) (explaining that "[t]his Court often speaks most wisely when it speaks" after "adversarial testing" and with the benefit of insight from "colleagues on the district and circuit benches").

As things currently stand, the split over the constitutionality of minimum-age possession and carriage laws is shallow. But this issue is being litigated in district courts across the country. This Court should not short-circuit lower courts' ventilation of the question presented by prematurely granting certiorari. Rather, consistent with its ordinary practice, this Court should allow the issue to percolate before granting review.

1. Review of the question presented is premature. The only federal courts of appeals to have considered the constitutionality of minimum-age possession and carriage laws are the Third and Eighth Circuits. *See Lara v. Comm'r Penn. State Police*, 125 F.4th 428 (3d Cir. 2025), *petition for cert. filed sub nom.*, *Paris v. Second Amend. Found.*, No. 24-1329 (U.S. Apr. 17,

2025); *Worth v. Jacobson*, 108 F.4th 677 (8th Cir. 2024), *cert. denied*, No. 24-782 (U.S.).

Even that tally overstates the depth and stability of the existing split. *Lara* focused on a "narrow" question: whether Pennsylvania's State Police should be enjoined from arresting "law-abiding 18-to-20-year-olds who openly carry firearms during a state of emergency declared by the Commonwealth." *Lara*, 125 F.4th at 445, 446. It did not opine on the constitutionality of Pennsylvania's prohibition on concealed-carry licenses for 18-to-20-year-olds. That issue *is*, however, squarely raised in other suits in the Third Circuit, where that court will likely further articulate its view of the Second Amendment rights of 18-to-20-year-olds. *See Brown v. Paris*, No. 24-cv-1015 (M.D. Pa. filed June 20, 2024) (challenge to law prohibiting 18-to-20-year-olds from obtaining concealed carry licenses); *Young v. Ott*, No. 3:24-cv-274 (W.D. Pa. filed Nov. 22, 2024) (same). The District's minimum-age requirement for registration can also be sidestepped entirely with parental consent—a characteristic present in neither *Lara* nor *Jacobson*.

Leyton suggests that the split is much deeper by pointing to cases from the Fourth, Fifth, Tenth, and Eleventh Circuits that have analyzed minimum-age laws. *See* Pet. 7-12. But he paints with too broad a brush. Those cases assessed the constitutionality of state and federal restrictions on the sale of firearms to individuals under the age of 21. *See, e.g.*, *Bondi*, 133 F.4th 1108, *petition for cert. filed sub nom. NRA, Inc. v. Glass*, No. 24-1185 (U.S. May 16, 2025); *McCoy*, 140 F.4th 568, *petition for cert. filed*, No. 25-24 (U.S.

July 3, 2025); *W. Va. Citizens Def. League, Inc. v. Bureau of Alcohol, Tobacco, Firearms & Explosives* (*WVCDL*), No. 23-2275, 2025 WL 1704429 (4th Cir.), *petition for cert. filed*, No. 25-132 (U.S. July 31, 2025); *Reese v. Bureau of Alcohol, Tobacco, Firearms & Explosives*, 127 F.4th 583 (5th Cir. 2025); *Rocky Mountain Gun Owners v. Polis*, 121 F.4th 96 (10th Cir. 2024). Although there are certainly arguments common to both sales and carriage or possession cases, sales-restriction cases have been more prevalent in courts of appeals to date—and some courts have relied on logic tailored to commercial transactions, which are not at issue here. *See Polis*, 121 F.4th at 119-21, 127-28.

2. Before a final pronouncement from this Court on the question presented, further percolation is warranted. District courts in the First, Second, Third, Seventh, Ninth, and Eleventh Circuits are currently considering the constitutionality of possession and carriage laws more akin to the District's. *See, e.g.*, *Escher v. Noble*, No. 25-cv-10389 (D. Mass. filed Feb. 14, 2025) (challenge to laws prohibiting 18-to-20-year-olds from possessing or carrying any semiautomatic firearm or any handgun); *Succow v. Bondi*, No. 25-cv-250 (D. Conn. filed Feb. 18, 2025) (challenge to laws that restrict the ability of individuals under 21 to possess handguns or carry handguns in public); *Hague v. Murphy*, No. 25-cv-8826 (D.N.J. filed June 9, 2025) (challenge to laws that prohibit individuals under 21 from possessing handguns); *Brown v. Paris*, No. 24-cv-1015 (M.D. Pa. filed June 20, 2024) (challenge to law prohibiting 18-to-20-year-olds from obtaining concealed carry licenses); *Young v. Ott*, No. 3:24-cv-274 (W.D. Pa. filed Nov. 22, 2024) (same);

Meyer v. Raoul, No. 21-cv-518 (S.D. Ill. filed May 27, 2021) (challenge to laws that prohibit individuals under 21 from carrying a handgun outside the home); *Pinales v. Lopez*, No. 24-cv-496 (D. Haw. filed Nov. 20, 2024) (challenge to law limiting rights of individuals under 21 to possess ammunition); *Baughcum v. Jackson*, No. 3:21-cv-36 (S.D. Ga. filed May 20, 2021) (challenge to laws that prohibit individuals under 21 from carrying a handgun in public).

This Court should allow the adversarial process to unfold in the lower courts and await a better vehicle for review before it takes up the question presented. *See Spears v. United States*, 555 U.S. 261, 270 (2009) (Roberts, C.J., dissenting) ("We should not rush to answer a novel question" that "could benefit from further attention in the courts of appeals"); *Box v. Planned Parenthood of Ind. & Ky., Inc.*, 587 U.S. 490, 496, 511 (2019) (Thomas, J., concurring) (emphasizing the value of percolation even when the Court may disagree with the "decisions below").

III. If The Court Declines To Deny Certiorari, It Should Hold The Petition In Abeyance.

If the Court does not deny the petition, it should hold the petition in abeyance pending the resolution of two Second Amendment cases that are already on the Court's merits docket: *Wolford*, No. 24-1046 (U.S.), and *Hemani*, No. 24-1234 (U.S.). Those cases may resolve methodological debates relevant to many Second Amendment cases and could affect some of Leyton's arguments. Across a range of Second Amendment issues, courts have reached different conclusions on common methodological questions, including the weight to accord various historical

sources and which issues can be resolved at *Bruen*'s first step rather than its second. *Compare Wolford*, 116 F.4th at 980 (analyzing nineteenth century laws to assess the scope of the Second Amendment), *with Lara v. Comm'r Penn. State Police*, 130 F.4th 65, 70 (3d Cir. 2025) (Krause, J., dissenting from denial of rehearing en banc) (criticizing the panel's failure to consider "laws through the end of the 19th century" (quoting *Lara*, 125 F.4th at 441)). Any guidance the Court provides on these first-order questions could affect subsequent Second Amendment cases, including this one.

Indeed, it appears that the Court recently held several other age-restriction petitions in abeyance pending resolution of *Wolford* and *Hemani*. *See, e.g.*, *NRA, Inc.*, No. 24-1185 (U.S.); *McCoy*, No. 25-24 (U.S.); *WVCDL*, No. 25-132 (U.S.); *Second Amend. Found.*, No. 24-1329 (U.S.). As explained above, those cases present better vehicles and implicate the more defined circuit split regarding sales prohibitions. If those cases are being held pending *Wolford* and *Hemani*, this case should be held too, if not outright denied.

CONCLUSION

This Court should deny the petition for a writ of certiorari. If the Court does not deny the petition outright, it should, at a minimum, hold the petition in abeyance pending the disposition of *Wolford*, No. 24-1046 (U.S.), and *Hemani*, No. 24-1234 (U.S.).

Respectfully submitted,

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