No. _____

In the Supreme Court
of the United States

Brandon Jackson,
Petitioner,
v.
United States of America,
Respondent.

On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Fourth Circuit

Petition for a Writ of Certiorari

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Question Presented

Whether 18 U.S.C. § 922(n), which prohibits firearm possession by anyone under indictment for a felony, can constitutionally be applied to a nonviolent indictee on the theory that Congress may, consistent with the Second Amendment, disarm whole categories of people on a class-wide basis, without requiring individualized showings that a given member of that class is dangerous.

Related Proceedings

United States v. Jackson, No. 1:22-cr-141-ELH, United States District Court for the District of Maryland. Judgment entered February 2, 2024.

United States v. Jackson, No. 24-4114, United States Court of Appeals for the Fourth Circuit. Judgment entered September 12, 2025.

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Introduction

Brandon Jackson was indicted in Arizona state court for "misconduct involving weapons" after police found a 10.5-inch-barrel rifle in the trunk of his car. When prosecutors later realized the rifle did not belong to Jackson, but rather to a passenger in his car, they dismissed the misconduct-involving-weapons charge. Jackson eventually resolved his Arizona case by pleading guilty to a misdemeanor (passively resisting arrest) and served six months' unsupervised probation. But while the misconduct-involving-weapons charge was still pending, Jackson drove from Arizona to Maryland with a handgun in his car, for which he was convicted of violating 18 U.S.C. § 922(n) (making it illegal to transport a firearm in interstate commerce while under indictment for a felony). And that federal conviction now bars Jackson from possessing firearms for the rest of his life. *See* 18 U.S.C. § 922(g)(1) (felon-dispossession statute). The upshot is that Jackson will forever be prohibited from exercising his fundamental right to keep and bear arms—all because, when he was 27 years old, state prosecutors indicted him for a nonviolent crime that they later determined he did not commit.

The Fourth Circuit held that applying § 922(n) to Jackson does not violate the Second Amendment. The court relied on the proposition that Congress may employ "categorical judgments" to disarm entire "categories of persons" it deems

"potentially . . . dangerous," even if a given member of that category is not in fact dangerous. App.78-79, App.94-95. According to this view, Congress may identify some characteristic it views as a "prox[y] for dangerousness" (e.g., being under felony indictment) and disarm *all* people who share that characteristic, including those who are not dangerous. App.95. Thus the Fourth Circuit held—in the absence of any evidence that Jackson is dangerous—that he may be disarmed because *other people* may be dangerous.

This theory, under which disarmament statutes are immune to as-applied Second Amendment challenges, violates established principles of constitutional adjudication, which generally require litigants to attack a statute on an as-applied, rather than facial, basis. More important, the Fourth Circuit's categorical-disarmament theory is inconsistent with "this Nation's historical tradition of firearm regulation." *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1, 17 (2022). Following *Bruen*, a statute survives Second Amendment scrutiny only if "historical precedent from before, during, and . . . after the founding evinces a comparable tradition of regulation." *Id.* at 27. But "founding-era historical precedent," *id.* at 27, provides little, if any, support for the Fourth Circuit's categorical-disarmament theory. When Founding-era legislatures banned a supposedly "dangerous" class of people from possessing firearms, they almost

always exempted individual members of that class who were not actually dangerous. The notion of an irrebuttable dangerousness determination would have been foreign to the generation that ratified the Second Amendment.

Although the historical record is clear on this point, the federal courts of appeals have splintered over the permissibility of legislatures' categorical dangerousness judgments. Some courts have permitted no-exceptions disarmament in the § 922(g)(1) context, based on considerations unique to convicted felons, while permitting as-applied Second Amendment challenges to other disarmament statutes. Other courts, like the Fourth Circuit, have applied the categorical-disarmament theory broadly, sealing off numerous statutes from as-applied challenges. And still others have held defendants may bring as-applied challenges to both § 922(g)(1) and other statutes. The inconsistency and incoherence of the lower courts' approaches call out for clarification.

This Court should grant certiorari to make clear that, "consistent with this Nation's historical tradition of firearm regulation," *id.* at 34, disarmament statutes must be susceptible to as-applied challenges. And, because no evidence suggests Jackson posed a danger to others, the Court should hold § 922(n) violates the Second Amendment as applied to him.

Opinions Below

The district court's order denying Jackson's motion to dismiss is reported at 661 F. Supp. 3d 392 (D. Md. Mar. 13, 2023) and is reproduced in the appendix. App.36-70. The Fourth Circuit's opinion is reported at 152 F.4th 564 (4th Cir. Sept. 12, 2025) and is reproduced in the appendix. App.71-98.

Jurisdiction

The Fourth Circuit's decision issued on September 12, 2025. App.71. On September 23, 2025, Jackson filed a petition for rehearing en banc, which the Fourth Circuit denied on October 10, 2025. App.99. On December 23, 2025, the Chief Justice extended the time within which to file a petition for a writ of certiorari to and including March 9, 2026. This Court has jurisdiction under 28 U.S.C. § 1254(1).

Constitutional and Statutory Provisions

The Second Amendment to the U.S. Constitution provides: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

18 U.S.C. § 922(n) provides: "It shall be unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one

year to ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce."

Statement of the Case

I. Jackson is indicted in Arizona state court for misconduct involving weapons.

On December 4, 2020, officers with the Phoenix Police Department arrested Jackson for hindering prosecution and resisting arrest, in connection with a protest at the Arizona State Capitol. *See* J.A.60, J.A.68, J.A.184, J.A.303. Jackson made an initial appearance on those charges the next day in Maricopa County Superior Court. J.A.73. At the conclusion of the hearing, a judge released Jackson on his own recognizance, subject to various conditions, e.g., that he not "initiate contact with the arresting officers." J.A.60. The judge did not impose a condition prohibiting Jackson from possessing, purchasing, transporting, or otherwise engaging in conduct involving firearms. J.A.60.

On January 28, 2021, an Arizona state grand jury returned an indictment charging Jackson with one count of hindering prosecution in the first degree, a felony ordinarily punishable by up to two years' incarceration, *see* Ariz. Rev. Stat. Ann. §§ 13-2512(B), 13-702(D); one count of misconduct involving weapons, a

felony ordinarily punishable by up to three years' incarceration, *see id.* §§ 13-3102(M), 13-702(D); and one count of passively resisting arrest, a misdemeanor punishable by no more than six months in jail, *id.* §§ 13-2508(A)(3), (B), 13-707(A)(1). J.A.62-64, J.A.68. The misconduct-involving-weapons count—which later formed the basis for Jackson's § 922(n) charge—alleged Jackson "knowingly did manufacture, possess, transport, sell, or transfer" a "prohibited weapon," namely, a rifle with a 10.5-inch barrel. J.A.63. Police discovered the rifle when they searched the trunk of a car driven by Jackson, which officers stopped for a traffic infraction. *See* J.A.173. The weapon did not belong to Jackson but was instead owned by the passenger in his car, Wesley Temple, who subsequently pled guilty in Arizona state court to possessing the firearm. *See* J.A.68, J.A.173.

On February 4, 2021, Jackson was arraigned on the indictment in Maricopa County Superior Court. J.A.75-80. A judge—different from the judge at Jackson's December 5th initial appearance—again released Jackson on his own recognizance, subject to the same conditions imposed previously. J.A.72, J.A.75-76. The judge did not impose a condition prohibiting Jackson from possessing or otherwise engaging in conduct involving firearms. J.A.75-80.

In May 2022, state prosecutors dismissed all charges against Jackson. J.A.68. The state subsequently re-indicted Jackson for hindering prosecution and passively

resisting arrest, but not for misconduct involving weapons. J.A.371-372. In 2024, Jackson pled guilty to the misdemeanor resisting-arrest charge, and the state dropped the felony hindering-prosecution charge. App.72 n.1. He was sentenced to six months' unsupervised probation, which he completed "without incident." App.72 n.1.

II. After being charged with violating 18 U.S.C. § 922(n), Jackson moves to dismiss the indictment under the Second Amendment.

In February 2022, while the Arizona indictment was still pending, Jackson drove from Phoenix to Maryland to participate in a political protest. *See* J.A.303. He carried with him a handgun that he had previously purchased lawfully. J.A.303; App.72.

On March 24, 2022, the Maryland State Police received a report that a vehicle was blocking the entrance and exit to the Hagerstown Speedway in Hagerstown, Maryland. J.A.17. Officers responded to the Speedway and encountered Jackson, who admitted, in response to questioning, that he had a handgun on him. J.A.17. When the officers asked whether he was carrying the handgun legally, Jackson acknowledged he did not have a permit to carry in Maryland. J.A.17. The officers eventually detained Jackson, searched his person, and found a handgun in a holster on his thigh. J.A.18. Jackson was placed under arrest. J.A.18.

On April 14, 2022, a federal grand jury in the District of Maryland returned a one-count indictment charging Jackson under 18 U.S.C. § 922(n). J.A.22. Relevant here, that statute forbids "any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce any firearm." § 922(n). The federal indictment alleged that, while under indictment for misconduct involving weapons in Maricopa County Superior Court, Jackson "did willfully ship and transport in interstate commerce from Arizona to Maryland a firearm, that is, a Smith & Wesson Shield 9mm handgun." J.A.22.

Jackson filed a motion to dismiss the indictment, arguing § 922(n) violates the Second Amendment under *Bruen*. J.A.25-55. As the motion explained, *Bruen* announced a new two-part test for assessing Second Amendment challenges. J.A.29-31. Courts begin by asking whether "the Second Amendment's plain text covers an individual's conduct." *Bruen*, 597 U.S. at 17.[1] If so, then a statute proscribing that conduct is presumptively unconstitutional, and the government can rebut the presumption only by showing that the statute "is consistent with this

[1] Unless otherwise indicated, quotations in this petition omit citations, brackets, internal quotation marks, and other characters that do not affect the meaning of the cited language.

Nation's historical tradition of firearm regulation." *Id.*

At *Bruen* step one, Jackson argued that the conduct charged in the indictment, i.e., "transport[ing]" a handgun from Arizona to Maryland, qualified as "keep[ing]" "Arms" and therefore came within the Second Amendment's plain text. J.A.35. He also contended that, as an American citizen, he was among "the people" protected by that text. J.A.35-41. At *Bruen* step two, Jackson asserted the government would be unable to carry its burden of identifying Founding-era regulations sufficiently similar to § 922(n). J.A.43-53. Finally, Jackson argued that even if § 922(n) was constitutional on its face, it violated the Second Amendment as applied to him because any supposed historical tradition that might support the statute's facial constitutionality—e.g., laws disarming "dangerous" groups—had no relevance to his case. J.A.53-55.

On March 13, 2023, the district court issued an opinion denying Jackson's motion. App.36-70. Jackson subsequently pled guilty in a conditional plea agreement that preserved his ability to appeal the denial of his dismissal motion. J.A.295-304. The district court sentenced him to time served. J.A.10, J.A.397-398.

III. The Fourth Circuit holds § 922(n) is constitutional in every application.

On September 12, 2025, the Fourth Circuit issued a published opinion affirming Jackson's conviction. App.71-98. The court held § 922(n) is consistent

with the Second Amendment not only as applied to Jackson, but in every application.

At the first step of the *Bruen* inquiry, the Fourth Circuit concluded that Jackson and his conduct are protected by the Second Amendment's plain text. App.75-77. At *Bruen*'s second step, the court considered "three distinct historical threads" that, the government claimed, "justify subjecting Jackson to § 922(n)." App.78. The Fourth Circuit rejected one of those justifications but credited the other two.

Pretrial detention. To begin, the government cited "laws governing bail and pretrial detention" in the Founding era. App.78. It argued "that if it could have detained Jackson pretrial" at the Founding, then "it can take the lesser step of disarming him during that time." App.81. After all, the government reasoned, a "pretrial detainee loses most liberties, including the ability to keep and bear arms," and if "states can impose that greater burden, then § 922(n)'s 'lesser restriction of temporary disarmament' must be permitted, too." App.82 (quoting *United States v. Rahimi*, 602 U.S. 680, 699 (2024)).

The Fourth Circuit rejected that argument. It concluded that "even if historical pretrial detention matches § 922(n)'s 'how,'" the government had failed to show that "it matches the 'why.'" App.82. Although the government claimed

Founding-era bail practices "were meant to . . . keep the public safe" in the period between indictment and trial, as § 922(n) is, it "offer[ed] no evidence that the founding generation denied bail to prevent future offenses." App.88. Instead, the Fourth Circuit explained, the historical record suggested pretrial detention was intended solely to "ensure the defendant's appearance at trial," not to serve a "public safety function." App.88.

Laws disarming "dangerous" groups. Next, the government argued § 922(n) was analogous to a historical tradition of laws disarming "dangerous persons." App.94. The Fourth Circuit, relying on its previous opinion in *United States v. Hunt*, 123 F.4th 697 (4th Cir. 2024), agreed.

Hunt involved an as-applied Second Amendment challenge to 18 U.S.C. § 922(g)(1), the federal law that prohibits convicted felons from possessing firearms. 123 F.4th at 700. After concluding that the challenge failed both under the Fourth Circuit's still-binding pre-*Bruen* case law and at *Bruen* step one, the *Hunt* panel held, at *Bruen* step two, that § 922(g)(1) is "'consistent with the principles that underpin our regulatory tradition.'" *Id.* at 705 (quoting *Rahimi*, 602 U.S. at 692) (emphasis omitted). *Hunt* identified two such principles. First, *Hunt* concluded "the historical record contains ample support for the categorical disarmament of people who have demonstrated disrespect for legal norms of

society." *Id.* at 706.

Second, and relevant here, *Hunt* posited that "[l]egislatures historically prohibited possession by categories of persons based on a conclusion that the category as a whole presented an unacceptable risk of danger if armed." *Id.* at 707. To support that proposition, *Hunt* cited laws that (purportedly) denied firearms to Native Americans, "religious minorities, such as Catholics," and people who refused to swear a loyalty oath to the sovereign. *Id.* The *Hunt* panel wrote that those "historical restrictions swept broadly, disarming all people belonging to groups that were, in the judgment of those early legislatures, potentially violent or dangerous." *Id.* And they supposedly did so "[e]ven though not all Protestants or Catholics in England, not all Native Americans, not all Catholics in Maryland, not all early Americans who declined to swear an oath of loyalty . . . were violent or dangerous persons." *Id.* The result, according to *Hunt*, is that when a legislature deems a class of people dangerous, "there is no requirement for an individualized determination of dangerousness as to each person in [that] class." *Id.*

Hunt concluded § 922(g)(1) fits within this dangerousness tradition because Congress had "found" and "determined"—that is, it had made a "judgment"—that the category of felons "as a whole presents an unacceptable risk of danger if armed." *Id.* at 708. Therefore, *Hunt* held, "there is no need for felony-by-felony

litigation regarding the constitutionality of § 922(g)(1)." *Id.* Instead, § 922(g)(1) is consistent with the Second Amendment as applied to every "convicted felon[]," without regard to the individual circumstances of his felony record. *Id.* at 706.

In Jackson's case, the Fourth Circuit held that "*Hunt*'s second principle—risk of dangerousness—supports" the constitutionality of § 922(n). App.95. "When Congress passed § 922(n)," the court wrote, "it feared letting guns fall into criminal hands." App.95. And the Fourth Circuit concluded this "fear[]" justified using felony indictment as a "prox[y] for dangerousness." App.95. Accordingly, because Congress may "categorically disarm[] potentially dangerous groups," the panel held § 922(n) can never violate the Second Amendment. App.98. Said otherwise, an as-applied challenge to § 922(n) can never succeed.

Surety statutes. Finally, the Fourth Circuit held § 922(n) is constitutional because the statute, as applied to Jackson, is analogous to "founding-era surety laws." App.90. The court explained that surety laws "'authorized magistrates to require individuals suspected of future misbehavior to post a bond,'" and those individuals "'would be jailed'" if they failed to pay; "if the person 'did post a bond and then broke the peace, the bond would be forfeit.'" App.90 (quoting *Rahimi*, 602 U.S. at 695). The court observed that "[s]urety laws 'typically targeted only those threatening to do harm.'" App.90 (quoting *Bruen*, 597 U.S. at 55).

Nevertheless, without citing any evidence that Jackson threatened to harm another person, the Fourth Circuit concluded surety laws were analogous to § 922(n) in Jackson's case. Referring to the misconduct-involving-weapons charge, which involved possession of a 10.5-inch-barrel rifle, the court noted "Jackson's rights were limited because he exercised control in some way over a dangerous weapon." App.90. "That's analogous to the surety statutes," the court wrote, "which penalized 'go[ing] armed with a . . . pistol[] or other offensive and dangerous weapon,' whatever the person's reason." App.90-91 (quoting Mass. Rev. Stat. ch. 134, § 16 (1836)) (alterations in original).

Based on these two historical traditions—"'dangerous persons' laws" and surety statutes—the Fourth Circuit concluded § 922(n) does not violate the Second Amendment as applied to Jackson, or in any other case. App.78. The court therefore affirmed Jackson's conviction.

On September 23, 2025, Jackson filed a petition for rehearing en banc. C.A.4 Dkt. #59. The Fourth Circuit denied that petition on October 10, 2025. App.99.

Reasons for Granting the Writ

In *District of Columbia v. Heller*, 554 U.S. 570 (2008), this Court held for the first time that the Second Amendment codified a pre-existing individual right to

keep and bear arms for lawful purposes like self-defense. *Heller* struck down District of Columbia statutes that prohibited the possession of handguns in the home and required that any other guns in the home be kept inoperable. 554 U.S. at 628-34. The Court noted that the District's handgun ban "amount[ed] to a prohibition of an entire class of 'arms' that is overwhelmingly chosen by American society for th[e] lawful purpose" of self-defense. *Id.* at 628. And the law extended "to the home, where the need for defense of self, family, and property is most acute." *Id.* "Few laws in the history of our Nation," the Court wrote, "have come close to the severe restriction of the District's handgun ban," and "some of those few have been struck down." *Id.* at 629. In addition, the Court observed, the handgun ban "would fail constitutional muster" under "any of the standards of scrutiny that we have applied to enumerated constitutional rights." *Id.* at 628-29.

Notwithstanding this reference to "standards of scrutiny," the Court in *Heller* made clear that the right to keep and bear arms is not subject to "a freestanding 'interest-balancing' approach." *Id.* at 634. Rather, the Court explained, the Second Amendment "is the very *product* of an interest balancing by the people," and "whatever else it leaves to future evaluation, it surely elevates above all other interests the right of law-abiding, responsible citizens to use arms in defense of hearth and home." *Id.* at 635 (emphasis in original).

Following *Heller*, lower courts generally resolved Second Amendment challenges by applying "means-ends scrutiny." *E.g.*, *United States v. Chester*, 628 F.3d 673, 680 (4th Cir. 2010). That analysis involved two steps. At the first step, courts asked "whether the challenged law impose[d] a burden on conduct falling within the scope of the Second Amendment's guarantee," as it was understood "at the time of ratification." *Id.* If it did, then at step two courts subjected the law to either strict or intermediate scrutiny, weighing the government's justifications for the law against the burden it imposed on the right to keep and bear arms. *Id.* at 680-83.

Fourteen years after *Heller*, this Court in *Bruen* confronted the question whether "ordinary, law-abiding citizens have a . . . right to carry handguns publicly for their self-defense." 597 U.S. at 9. In a case that heralded "a sea-change in Second Amendment jurisprudence," *United States v. Dorsey*, 105 F.4th 526, 530 (3d Cir. 2024), the Court concluded they do. In the course of striking down a New York law requiring "proper cause" to obtain a concealed-carry license, *Bruen* repudiated the lower courts' interest-balancing framework as "inconsistent with *Heller*'s historical approach and its rejection of means-end scrutiny." 597 U.S. at 24. Rather than asking whether a law is "narrowly tailored to achieve a compelling governmental interest" or is "substantially related to the achievement of an

important governmental interest," *Bruen* directed courts to consider only "the Second Amendment's text, as informed by history." *Id.* at 18-19.

Bruen's framework comprises two steps. First, courts ask whether "the Second Amendment's plain text covers an individual's conduct." *Id.* at 24. If not, the challenge fails. But if the challenger's conduct does come within the Second Amendment's plain text, then "the Constitution presumptively protects that conduct." *Id.* To rebut the presumption, the government bears the burden, at step two, of showing that its regulation "is consistent with the Nation's historical tradition of firearm regulation." *Id.* That analysis turns on two primary metrics: "how and why the regulations burden a law-abiding citizen's right to armed self-defense." *Id.* at 29. If the government fails to establish that "historical precedent from before, during, and . . . after the founding evinces a comparable tradition of regulation," then the challenged law is unconstitutional. *Id.* at 27.

The Fourth Circuit's application of *Bruen* is deeply flawed, and it warrants this Court's intervention. To begin, the Fourth Circuit has held, first in *Hunt* and then in Jackson's case, that "dangerousness" is a proper metric for deciding who does and does not enjoy Second Amendment rights. But that dividing line is inconsistent with this Court's opinion in *Rahimi*, and in any event, it is too indefinite to safeguard the Second Amendment right. Even if dangerousness is the

proper yardstick, America's "historical tradition of firearm regulation," *id.* at 34, reveals that dangerousness determinations must be individualized. There is virtually no historical support for disarming all members of a defined class, even those who do not pose a danger to others, simply because the legislature deems them dangerous. Disarmament statutes, in other words, must be susceptible to as-applied challenges. At the very least, legislatures should have to support their categorical dangerousness judgments with hard evidence that can be subjected to judicial review; courts should not simply defer blindly to a legislative belief that an entire category of people is dangerous.

Because the Fourth Circuit's categorical-disarmament theory is at odds with America's history of firearms regulation, and because the lower courts have reached divergent conclusions about the propriety of barring as-applied challenges to disarmament statutes, this Court should grant certiorari.

I. The Fourth Circuit's "dangerousness" principle is an improper metric for determining who does and does not possess Second Amendment rights.

The Fourth Circuit held § 922(n) is categorically constitutional under the "dangerous persons" principle, which that court first articulated in *Hunt*. App.78. That principle is inconsistent with this Court's opinion in *Rahimi*, and the Court should clarify that legislatures may not disarm American citizens simply by wielding a label as indeterminate and manipulable as "dangerous."

Rahimi involved a challenge to 18 U.S.C. § 922(g)(8)(C)(i), which prohibits firearm possession by anyone subject to a domestic-violence restraining order containing "a finding that he poses 'a credible threat to the physical safety' of a protected person." 602 U.S. at 693. At *Bruen*'s second step, the Court held § 922(g)(8)(C)(i) "is consistent with the principles that underpin our regulatory tradition." *Id.* at 692. The Court cited two traditions to support this conclusion. The first was "surety laws," which "authorized magistrates to require individuals . . . to post a bond" if they went "armed offensively," thereby giving a victim "reasonable cause to fear that the accused would do him harm or breach the peace." *Id.* at 695. The second was "'going armed' laws," which punished—with arms forfeiture and imprisonment—anyone who "'r[ode] or [went] armed, with dangerous or unusual weapons, to terrify the good people of the land.'" *Id.* at 697 (citation omitted).

Although the Court upheld § 922(g)(8)(C)(i), it "reject[ed]" a different "contention" the government had made to defend the statute: "that Rahimi [could] be disarmed simply because he [wa]s not 'responsible.'" *Id.* at 701. The government extracted that supposed rule from *Heller*'s and *Bruen*'s repeated references to "law-abiding, responsible citizens." *E.g.*, *United States v. Rahimi*, No. 22-915, Gov't Br. 11-12. The Court, however, explained that the responsible-

irresponsible "line" does not "derive from our case law." *Rahimi*, 602 U.S. at 701. True, *Heller* and *Bruen* "used the term 'responsible' to describe the class of ordinary citizens who undoubtedly enjoy the Second Amendment right," but those cases "did not define the term and said nothing about the status of citizens who were not 'responsible.'" *Id.* at 701-02. That question "was simply not presented" in *Heller* or *Bruen*. *Id.* at 702. In addition, the Court explained, "'[r]esponsible' is a vague term" that cannot demarcate the bounds of the Second Amendment, since "[i]t is unclear what such a rule would entail." *Id.* at 701; *see also id.* at 772-73 (Thomas, J., dissenting) ("[The government] argues that the Second Amendment allows Congress to disarm anyone who is not 'responsible' and 'law-abiding.' Not a single Member of the Court adopts the Government's theory. . . . The Government's argument lacks any basis in our precedents and would eviscerate the Second Amendment altogether.").

The Fourth Circuit's "dangerous persons" principle cannot be reconciled with this portion of *Rahimi*. The term "responsible," as used by the government in *Rahimi*, was simply a synonym for "dangerous." The government's brief argued there was a historical tradition of disarming those who are not "responsible," by which it meant anyone who "would *endanger* himself or others." *Rahimi*, Gov't Br. 29 (emphasis added); *see also id.* at 27 ("In this context, a person is not '*responsible*'

if his possession of a firearm would pose a *danger* of harm to himself or others." (emphasis added)); *id.* at 28 ("Congress need not require case-by-case findings of *dangerousness* like those required by Section 922(g)(8). Congress may make categorical judgments about *responsibility*." (emphasis added)); *id.* at 29 ("Because persons who are subject to domestic-violence protective orders pose an obvious *danger* to others, they are not '*responsible*' individuals.") (emphasis added). In its reply brief, the government again equated irresponsibility and dangerousness. *See Rahimi*, Reply Br. 14-15 (arguing domestic abusers are not "responsible" because they would "endanger their partners or society if allowed to possess guns").

At oral argument in *Rahimi*, the government confirmed that it was simply "using 'responsible' as a placeholder for dangerous with respect to the use of firearms." *Rahimi*, Tr. of Oral Arg. 10. The government stressed that it was "not using the term 'not responsible' to describe colloquially anyone who you might describe as . . . demonstrating irresponsibility." *Id.* at 9-10. Rather, in the government's view, "the principle of responsibility" was "intrinsically tied to the danger you would present if you have access to firearms." *Id.* at 10; *see also id.* at 11 (positing there was "no daylight at all . . . between not responsible and dangerous").

It was *this* argument—i.e., dangerousness equals irresponsibility, which

justifies disarmament—that the Court "reject[ed]" in *Rahimi*. 602 U.S. at 701. It necessarily follows that a purported tradition of disarming "dangerous" groups is insufficient to carry the government's burden at *Bruen* step two.

Additionally, the term "dangerous" is every bit as "vague" and "unclear" as "responsible." *Id.* The "dangerous" label is therefore too nebulous to define a historical tradition that courts must invoke to determine who may and may not exercise the right to keep and bear arms. *See, e.g.*, *Medina v. Whitaker*, 913 F.3d 152, 159-60 (D.C. Cir. 2019) (concluding a "'dangerousness' standard" is too "amorphous . . . to delineate the scope of the Second Amendment"). As in *Rahimi*, it is "unclear what such a rule would entail." 602 U.S. at 701; *see also id.* at 775 (Thomas, J., dissenting) ("[T]he Government's 'law-abiding, dangerous citizen' test—and indeed any similar, principle-based approach—would hollow out the Second Amendment of any substance. Congress could impose any firearm regulation so long as it targets 'unfit' persons. And, of course, Congress would also dictate what 'unfit' means and who qualifies.").

This Court should make clear, consistent with *Rahimi*, that American citizens cannot be stripped of their "fundamental" right to keep and bear arms, *id.* at 690, simply because they are supposedly "dangerous."

II. This country's historical tradition of firearms regulation does not permit categorical disarmaments of entire classes of people.

The Fourth Circuit's *Hunt* opinion, which the panel in Jackson's case extended to § 922(n), permits Congress to disarm an entire category of persons if it decides "the category as a whole present[s] an unacceptable risk of danger," without any "requirement for an individualized determination of dangerousness as to each person in [the] class of prohibited persons." 123 F.4th at 707. Even assuming dangerousness is an appropriate metric for disarming individuals, the power to enact class-wide, no-exceptions disarmament statutes does not accord with "this Nation's historical tradition of firearm regulation." *Bruen*, 597 U.S. at 17. The Court should therefore grant certiorari to make clear that any deprivation of the Second Amendment right must be individualized, and cannot rest on sweeping, unparticularized assumptions about broad classes of American citizens.

1. This Court has declined to bless the categorical-disarmament theory adopted by the Fourth Circuit. In *Rahimi*, the government argued "Congress need not require case-by-case findings of dangerousness," and may instead "make categorical judgments about responsibility; that *some* categorical limits are proper is part of the original meaning of the Second Amendment." *Rahimi*, Gov't Br. 28 (emphasis in original); *see also Rahimi*, Reply Br. 21 ("Congress may disarm a dangerous category of persons even if particular members of the category would

not necessarily be dangerous if armed."). But the Court did not endorse that view. Although it rejected a facial challenge to § 922(g)(8)(C)(i), the Court did not hold the statute was constitutional in all applications. Instead, the Court was careful to hold only that § 922(g)(8)(C)(i) was consistent with the Second Amendment "[a]s applied to the facts of this case." *Rahimi*, 602 U.S. at 690; *see also id.* at 700 ("Section 922(g)(8) can be applied lawfully to Rahimi.").

Writing separately, Justice Gorsuch cautioned that this modest resolution "necessarily le[ft] open the question whether the statute might be unconstitutional as applied in particular circumstances." *Id.* at 713 (Gorsuch, J., concurring). And, Justice Gorsuch wrote, the Court did not "purport to approve in advance other laws denying firearms on a categorical basis to any group of persons a legislature happens to deem, as the government puts it, 'not "responsible."'" *Id.*

2. The categorical-disarmament theory advocated by the government in *Rahimi*—which the Fourth Circuit applied in *Hunt* and in Jackson's case—suffers from a major conceptual flaw. By foreclosing as-applied challenges to dangerousness-based disarmament statutes, the Fourth Circuit has left only one route for attacking those statutes: facial challenges. That approach runs counter to this Court's insistence that litigants generally should eschew facial challenges in favor of as-applied challenges, which are "the basic building blocks of

constitutional adjudication." *Gonzales v. Carhart*, 550 U.S. 124, 168 (2007).

Facial challenges, which require showing "that no set of circumstances exists under which [a statute] would be valid," are "disfavored for several reasons." *Wash. State Grange v. Wash. State Republican Party*, 552 U.S. 442, 449-50 (2008). For one thing, they "threaten to short circuit the democratic process" and "often rest on speculation," which "raise[s] the risk of premature interpretation of statutes on the basis of factually barebones records." *Id.* at 450-51. Perhaps more important, facial challenges "run contrary to the fundamental principle of judicial restraint that courts should neither anticipate a question of constitutional law in advance of the necessity of deciding it nor formulate a rule of constitutional law broader than is required by the precise facts to which it is to be applied." *Id.* at 450. The Fourth Circuit's Second Amendment case law, which permits facial challenges and only facial challenges, turns this usual paradigm upside down. *See United States v. Ledvina*, 166 F.4th 716, 723 (8th Cir. 2026) (Stras, J., concurring) ("[T]he dissent's 'categorical' approach is inconsistent with the Second Amendment and how constitutional litigation typically works. . . . '[C]ourts usually handle constitutional claims *case by case*, not en masse.'" (quoting *Moody v. NetChoice, LLC*, 603 U.S. 707, 723 (2024)) (emphasis in *Ledvina*)).

3. Perhaps the Fourth Circuit's deviation from ordinary constitutional

principles would be required if it squared with America's "historical tradition of firearm regulation." *Bruen*, 597 U.S. at 17. But it doesn't. The Fourth Circuit in *Hunt* rooted its categorical-disarmament principle in three sets of laws: those disarming (1) "religious minorities, such as Catholics," (2) Native Americans, and (3) people who refused to swear an oath of loyalty to the sovereign. 123 F.4th at 707. With vanishingly rare exceptions, however, those laws allowed people "to retain arms if a third party determined they weren't dangerous." *United States v. Williams*, 113 F.4th 637, 652 (6th Cir. 2024).

Catholics. The English Parliament, employing a "generalized determination[] of dangerousness," prohibited Catholics from keeping arms. *Id.* at 651-52. But individual Catholics could regain their right to arms by "declar[ing] loyalty to the crown." *Id.* at 651. By swearing an oath, "the oath-taker satisfied the authorities that he would not raise arms against king and country" and thereby "demonstrate[d he] didn't pose a danger." *Id.* at 651-52.

A similar dynamic played out in the Colonies. During the French and Indian War, several colonial legislatures disarmed Catholics, fearing they "would side with France, a Catholic kingdom." *Id.* at 653. But Catholics could retain their firearms if a justice of the peace determined those weapons were "necessary for defending their home," *id.*, or if they swore an oath of allegiance, *see United States*

v. Carbajal-Flores, 143 F.4th 877, 885 (7th Cir. 2025) (noting "some colonies restricted Catholics' ability to keep arms," but adding that "those Catholics willing to swear undivided allegiance to the sovereign enjoyed a right to keep arms").

Native Americans. In the 17th Century, a number of colonies prohibited trading or selling firearms to Native Americans. *United States v. Duarte*, 101 F.4th 657, 686 (9th Cir. 2024), *vacated by reh'g en banc.* At least some of these laws, however, "allowed for certain case-specific exceptions." *Id.* at 687. For example, a 1668 Massachusetts statute banned the sale of firearms to Native Americans but permitted colonists to "sell to 'Indians *not in hostility* with . . . any of the English.'" *Id.* at 688 (emphasis in original) (quoting 1668 Act, *Colonial Laws of Massachusetts* 240–41 (1672)).[2] Thus the "categorical ban[]" on sales "gave way when the

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[2] Native American-disarmament laws are irrelevant for two additional reasons. First, "early Americans didn't think of the Native Americans as part of 'the people'" protected by the Second Amendment, *Williams*, 113 F.4th at 652 n.8, which meant Native Americans did not have the right to keep and bear arms. *See Duarte*, 101 F.4th at 685 ("Indians, simply put, 'were not . . . citizens of the British colonies' and were not 'entitled to the same rights of English subjects,' so they could be disarmed as a matter of course." (quoting *United States v. Jimenez-Shilon*, 34 F.4th 1042, 1047 (11th Cir. 2022))). And "proper originalist interpretation requires a comparison between people enjoying the same sets of rights." *Ortega v. Grisham*, 148 F.4th 1134, 1154 (10th Cir. 2025). It makes no sense to "[c]ompar[e] the Second Amendment rights of a citizen today" with the rights of "groups" that "did not possess the same rights in the Founding era." *Id.* (dismissing Native American-disarmament laws for this reason).

justifications for disarming [Native Americans] no longer existed." *Id.* at 687-88.

Loyalists. As for Revolution-era loyalty-oath laws, which disarmed anyone who remained loyal to the British crown, those statutes "often gave alleged loyalists the chance to demonstrate they were not dangerous." *Williams*, 113 F.4th at 654. Colonists "could keep arms if they could demonstrate they didn't pose a danger" by, e.g., "swearing a loyalty oath." *United States v. Morton*, 123 F.4th 492, 498 (6th Cir. 2024); *accord Carbajal-Flores*, 143 F.4th at 886 ("People outside the polity were regularly disarmed *unless and until* they swore an oath of allegiance." (emphasis added)); *United States v. Prince*, 700 F. Supp. 3d 663, 673 (N.D. Ill. 2023) ("[L]oyalty oath laws . . . allowed individuals deemed untrustworthy to regain their right to keep and bear arms by swearing an oath to a state or the United States.").

In short, the position the Fourth Circuit staked out in *Hunt* and Jackson's case—that Congress may ban whole classes of people from possessing firearms regardless of whether a given class member is violent or dangerous—has little, if any, support in the historical record. *See, e.g.*, *United States v. Harrison*, 153 F.4th

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Second, "[m]ost colonial enactments targeting Indians regulated a different type of conduct" than do statutes like § 922(g)(1) and § 922(n). *Duarte*, 101 F.4th at 686. "Rather than ban Indians from *possessing* firearms, the laws prohibited the *sale* of arms to them by colonial residents." *Id.* (emphasis in original).

998, 1033 (10th Cir. 2025) ("'Under categorical disarmament laws, where an individual was presumed to pose a special risk to society by virtue of his membership in a particular group and thus was lawfully disarmed as an initial matter, there was typically a mechanism for him to petition and attempt to rebut that presumption.'" (quoting *Range v. Att'y Gen.*, 124 F.4th 218, 275 (3d Cir. 2024) (en banc) (Krause, J., concurring))); *United States v. Cooper*, 127 F.4th 1092, 1096 (8th Cir. 2025) (concluding "[n]othing in our tradition allows disarmament simply because [someone] belongs to a category of people . . . that Congress has categorically deemed dangerous," since historical laws did not "operate[] on an *irrebuttable* basis" (emphasis in original)); *United States v. Mancilla*, 155 F.4th 449, 453 (5th Cir. 2025) (Elrod, C.J., concurring) ("Many of the historical analogues imposing categorical, class-based disarmament allowed a person 'an opportunity to make an individualized showing that he himself was not actually dangerous.' . . . Simply put, if the justification for disarmament was dangerousness, then that burden could be lifted if an individual was no longer considered dangerous." (quoting *Williams*, 113 F.4th at 663)).

4. The Fourth Circuit has compounded its misreading of the historical record by adopting a stance of reflexive deference to legislative "dangerousness" determinations. In *Hunt*, the court noted that Congress had made a "judgment"

and a "determination" that felons are dangerous, but it did not interrogate that judgment to determine whether it was reasonable or empirically sound. 123 F.4th at 707-08. The court did not, for example, consider statistics about what percentage of felons are convicted of violent or "dangerous" crimes. Nor did it consult data on the rate at which felons commit violent acts after leaving prison. Instead, the court simply bowed to Congress' felons-are-dangerous judgment, no questions asked. *Id.*

The Fourth Circuit did the same in Jackson's case, upholding § 922(n) based on nothing more than Congress' "fear[]" that felony indictees are dangerous. App.95. It did not require the government to substantiate that fear with evidence or to prove that it was reasonable. Although the court acknowledged that "'felony indictment' is a less effective proxy for dangerousness than 'felony conviction,'" App.95, it treated Congress' judgment as unassailable and declined to scrutinize it. If *Hunt* and the opinion in Jackson's case leave room to question congressional "dangerousness" findings, neither opinion gives any indication.

Granting congressional judgments "blanket deference" of that kind is plainly inconsistent with *Bruen*. *United States v. Kimble*, 142 F.4th 308, 315 (5th Cir. 2025). *Bruen* rejected means-ends balancing, in part, because courts applying that mode of analysis "often defer[red] to the determinations of legislatures," and "judicial deference to legislative interest balancing" is not what the Second Amendment

"demands." 597 U.S. at 26. After *Bruen*, therefore, courts may no longer "defer blindly" to Congress' "categorical" judgments about dangerousness. *Range*, 124 F.4th at 230; *see also Harrison*, 153 F.4th at 1033 ("[T]he Supreme Court's Second Amendment jurisprudence and the historical record itself show complete deference to the legislature would be inappropriate."); *Worth v. Jacobson*, 108 F.4th 677, 694 (8th Cir. 2024) ("A legislature's ability to deem a category of people dangerous based only on belief would subjugate the right to bear arms 'in public for self-defense' to 'a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees.'" (quoting *Bruen*, 597 U.S. at 70)). If legislatures had "unchecked power to designate a group of persons as 'dangerous' and thereby disarm them," the Second Amendment would be "a dead letter." *United States v. Daniels*, 77 F.4th 337, 353 (5th Cir. 2023); *see also Kanter v. Barr*, 919 F.3d 437, 465 (7th Cir. 2019) (Barrett, J., dissenting) ("The government could quickly swallow the [Second Amendment] right if it had broad power to designate any group as dangerous and thereby disqualify its members from having a gun.").

At most, the Fourth Circuit's opinions in *Hunt* and Jackson's case, which "uncritically defer[] to Congress's class-wide dangerousness determinations," might permit "rational-basis review" of those determinations. *Williams*, 113 F.4th at 660. "But that runs headlong into *Heller*," where this Court held rational-basis

review is too permissive for Second Amendment challenges. *Id.* (citing 554 U.S. at 628 n.27).

5. If this Court is going to adopt a "dangerousness" metric for *Bruen* step two, it should require the government to prove that congressional dangerousness judgments are supported by evidence. *See, e.g.*, *Worth*, 108 F.4th at 694 (invalidating a law limiting public handgun carry to those over age 20 because Minnesota "failed to support its claim [that 18-to-20-year-olds are dangerous] with enough evidence"); *Harrison*, 153 F.4th at 1033 (holding 18 U.S.C. § 922(g)(3), which prohibits firearm possession by "unlawful user[s]" of drugs, would be constitutional as-applied only if "the government could justify its assertion that non-intoxicated marijuana users pose a risk of danger"); *United States v. Harris*, 144 F.4th 154, 165-66 (3d Cir. 2025) (concluding § 922(g)(3) violates Second Amendment unless government presents "evidence and arguments" proving drug use renders someone "dangerous[]").

Failing to impose an evidentiary requirement of that type would, perversely, leave Americans with fewer Second Amendment protections than they enjoyed before *Bruen*. Under the old means-ends-scrutiny regime, the government at least had to show there was "a reasonable fit between [a] challenged regulation and a substantial government objective," which required marshaling real-life "*evidence*."

E.g., *Chester*, 628 F.3d at 683 (emphasis in original). The Fourth Circuit's current approach, however, apparently permits legislatures to disarm anyone they wish—people with "autism" and "attention deficit disorder," *United States v. Harrison*, 654 F. Supp. 3d 1191, 1214 (W.D. Okla. 2023); "immigrants, the indigent, or the politically unpopular," *Daniels*, 77 F.4th at 353; transgender people[3]; or even "all men," *Daniels*, 77 F.4th at 353—without making any showing at all. That approach disparages the right to bear arms and improperly treats it as "a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees." *Bruen*, 597 U.S. at 70.

III. The circuits are split on the permissibility of categorical disarmament statutes.

The lower courts are divided on the question whether Congress may disarm all members of a defined class without requiring individualized findings of dangerousness. This Court's guidance is sorely needed.

Four other circuits have held § 922(n) is facially constitutional, as it is, "[a]t a minimum," consistent with the Second Amendment in some applications. *United States v. Gore*, 118 F.4th 808, 816-17 (6th Cir. 2024). But unlike the Fourth Circuit,

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[3] *See* Alexander Mallin, Katherine Faulders & Luke Barr, ABC News, *DOJ mulling rule that could restrict transgender individuals from owning guns: Sources*, https://abcnews.go.com/US/doj-mulling-rule-restrict-transgender-individuals-owning-guns/story?id=125268875 (last visited Mar. 1, 2026).

those courts have all left the door open to as-applied challenges, declining to hold § 922(n) is constitutional in all applications. *See id.* at 814-17; *United States v. Ogilvie*, 153 F.4th 1098, 1105-11 (10th Cir. 2025); *United States v. Stennerson*, 150 F.4th 1276, 1288-90 (9th Cir. 2025); *United States v. Quiroz*, 125 F.4th 713, 718-25 (5th Cir. 2025). Thus the circuits have reached differing conclusions about whether Congress may disarm *all* indictees by making a categorical judgment about the class as a whole.

More broadly, the circuits have split on whether, and in what circumstances, a legislature may strip firearm rights away from entire categories of supposedly dangerous people, some of whom are not violent or dangerous. Three circuits (the Eighth, Tenth, and Eleventh) have held, as the Fourth Circuit did in *Hunt*, that § 922(g)(1) is constitutional in all applications. In doing so, they relied in part on considerations unique to the felon context, namely (1) *Heller*'s statement that felon-disarmament laws are "presumptively lawful," 554 U.S. at 627 n.26; and (2) a (purported) Founding-era practice of sentencing all felons to death, which necessarily "subsumed disarmament," *United States v. Jackson*, 110 F.4th 1120, 1125-29 (8th Cir. 2024); *Vincent v. Bondi*, 127 F.4th 1263, 1265-66 (10th Cir. 2025); *United States v. Dubois*, 139 F.4th 887, 890-94 (11th Cir. 2025). But even these courts have recognized that other disarmament statutes—which this Court's

Second Amendment cases do not specifically approve, and which do not align with a Founding-era practice of capital punishment—will be unconstitutional in at least some circumstances. *United States v. Perez*, 145 F.4th 800, 804-10 (8th Cir. 2025) (§ 922(g)(3)); *Harrison*, 153 F.4th at 1032-35 (same); *Fla. Comm'r of Agric. v. Att'y Gen.*, 148 F.4th 1307, 1318-21 (11th Cir. 2025) (same).

Three other circuits (the Third, Fifth, and Sixth) have gone further, holding that defendants can bring as-applied challenges to both § 922(g)(1) and other disarmament statutes. *Range*, 124 F.4th at 228-32 (§ 922(g)(1)); *Harris*, 144 F.4th at 164-66 (§ 922(g)(3)); *Kimble*, 142 F.4th at 315 (§ 922(g)(1)); *United States v. Connelly*, 117 F.4th 269, 274-82 (5th Cir. 2024) (§ 922(g)(3)); *Williams*, 113 F.4th at 658-61 (§ 922(g)(1)). Finally, one circuit (the Seventh) has not decided whether § 922(g)(1) can be challenged on an as-applied basis, but has permitted as-applied challenges to a different firearm-dispossession statute. *See United States v. Seiwert*, 152 F.4th 854, 866-69 (7th Cir. 2025) (holding § 922(g)(3) lawful as applied to someone "whose cognitive abilities are *presently* hampered by chemical substances," but recognizing statute is constitutional "only so long as [intoxication-related impairment] shall continue, and no longer" (emphasis

added)).[4]

In short, the lower courts' approaches to categorical disarmament statutes vary widely from circuit to circuit. This Court should step in to provide clarity about whether and to what extent Congress may categorically disarm classes of people, some—or many—of whom pose no realistic threat of danger if armed.

IV. This case is an appropriate vehicle for considering the permissibility of categorical disarmament statutes.

Jackson recognizes that in holding § 922(n) constitutional, the Fourth Circuit cited not only Congress' categorical dangerousness judgment, but also historical surety statutes. Despite this alternative holding, Jackson's case presents an appropriate vehicle to decide whether a class-wide disarmament statute may permissibly be applied to class members who are not dangerous.

The Fourth Circuit concluded that § 922(n), as applied to Jackson, is analogous to surety laws because it imposes a comparable "burden" on his right to bear arms. App.90. Specifically, the court reasoned that "Jackson's rights were limited because he exercised control in some way over a dangerous weapon." App.90. And in the Fourth Circuit's view, surety statutes operated similarly: they

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[4] One circuit has held § 922(g)(1) constitutional in all applications, but has not yet resolved post-*Bruen* Second Amendment challenges to other disarmament statutes. *Zherka v. Bondi*, 140 F.4th 68, 77-96 (2d Cir. 2025).

"penalized 'go[ing] armed with a . . . pistol[] or other offensive and dangerous weapon,' *whatever the person's reason*." App.90-91 (emphasis added) (quoting Mass. Rev. Stat. ch. 134, § 16 (1836)) (brackets and ellipsis in original). According to the Fourth Circuit, then, simply carrying a "dangerous weapon" publicly—no matter the circumstances—was enough for a magistrate to require a bond under a surety statute.

This Court has clearly and unambiguously rejected that proposition. *Bruen* explained that under surety statutes, "an individual's carrying of arms was 'sufficient cause to require him to give surety of the peace' only when 'attended with circumstances giving just reason to fear that he purposes to make an unlawful use of them'"—that is, only when a complainant made "a specific showing" that the accused was "reasonably likely to 'breach the peace.'" 597 U.S. at 56 (citation omitted). New York argued in *Bruen* that "the 'reasonable cause to fear' standard was essentially *pro forma*, given that 'merely carrying firearms in populous areas breached the peace' *per se*." *Id.* at 58 (citation omitted). But this Court rejected that view, holding that it was "the manner of carry" (i.e., in a way that portended a breach of the peace), rather than "the nature of the weapon" (i.e., an "offensive and dangerous weapon"), that was "dispositive." *Id.* at 55, 59.

So the mere fact that Jackson, in his Arizona case, allegedly "exercised

control in some way over a dangerous weapon," App.90, would not have triggered a surety statute. Instead, surety statutes would be relevant to Jackson's case only if he had carried a dangerous weapon in a "threatening" manner that suggested he was likely to "do harm" or "breach the peace." *Id.* at 55-56. But no one—neither Arizona prosecutors, federal prosecutors, nor the Fourth Circuit—has ever suggested Jackson engaged in such conduct. To the contrary, Jackson merely drove a car in the trunk of which was a rifle belonging to his passenger. *See* J.A.173. In Arizona state court, two separate judges released Jackson on his own recognizance pending trial, and both judges declined to impose a condition prohibiting him from possessing firearms—an unlikely outcome if Jackson had threatened to breach the peace.

This Court can dispose of the Fourth Circuit's surety-based holding by simply reaffirming what it already held in *Bruen*. That holding therefore provides no reason not to decide, in Jackson's case, whether and under what circumstances categorical disarmament statutes are consistent with the Second Amendment.

Conclusion

The Court should grant the petition for a writ of certiorari.

Respectfully submitted,

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March 5, 2026