

No. 25-7652

**In The
Supreme Court of the United States**

ISAIAH JAQJAN FISHER,
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

SUPPLEMENTAL BRIEF FOR THE PETITIONER

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WESTERN DISTRICT OF NORTH CAROLINA
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Supplemental Brief for the Petitioner

This Court recently granted certiorari in *Viramontes v. Cook County*, No. 25-538, where the question presented is: “Whether the Second and Fourteenth Amendments guarantee the right to possess AR-15 platform and similar semiautomatic rifles.” Because the decision in *Viramontes* will be dispositive of the issue presented in this case, the Court should hold the petition pending a decision in *Viramontes* and then dispose of the petition accordingly.

In both this case and *Viramontes*, the threshold question is whether a particular firearm qualifies as an “arm” within the meaning of the Second Amendment. The Fourth Circuit held in the decision below that a handgun capable of automatic fire did not so qualify. In doing so, the Fourth Circuit relied exclusively on its prior holding that an AR-15 did not qualify as an “arm” in *Bianchi v. Brown*, 111 F.4th 438 (4th Cir. 2024), *cert. denied sub nom. Snope v. Brown*, 145 S. Ct. 1534 (2025). As Fisher explained in his petition, that decision is part of an established circuit conflict with cases such as *United States v. Bridges*, 150 F.4th 517, 524 (6th Cir. 2025). *See* Pet. 8-11.

The petitioner in *Viramontes* cited this same circuit conflict. *See* Petition for Certiorari, *Viramontes v. Cook County*, No. 25-538 (Aug. 27, 2025), at 17-18. This Court’s decision in *Viramontes* is likely to resolve that conflict. If this Court concludes in *Viramontes* that an AR-15 qualifies as a Second Amendment “arm,” then its decision will abrogate the sole basis of the decision below. In that scenario,

the proper course will be for this Court to vacate the decision below and remand for further proceedings in light of the guidance provided by *Viramontes*.

Accordingly, this Court should hold the petition in this case pending a decision in *Viramontes*.

Respectfully submitted.

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