

IN THE SUPREME COURT OF THE UNITED STATES

ISAIAH JAQJAN FISHER, PETITIONER

v.

UNITED STATES OF AMERICA

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

BRIEF FOR THE UNITED STATES

D. JOHN SAUER
Solicitor General
Counsel of Record

A. TYSEN DUVA
Assistant Attorney General

DAVID M. LIEBERMAN
Attorney

Department of Justice
Washington, D.C. 20530-0001
SupremeCtBriefs@usdoj.gov
(202) 514-2217

QUESTION PRESENTED

Whether the federal statute that prohibits the possession of machineguns, 26 U.S.C. 584, violates the Second Amendment.

ADDITIONAL RELATED PROCEEDINGS

United States District Court (W.D.N.C.):

United States v. Fisher, No. 23-cr-45 (Sept. 23, 2024)

United States Court of Appeals (4th Cir.):

United States v. Fisher, No. 24-4527 (Jan. 9, 2026)

IN THE SUPREME COURT OF THE UNITED STATES

No. 25-7652

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OPINIONS BELOW

The opinion of the court of appeals (Pet. App. 1-4) is available at 2026 WL 74584. The memorandum of decision and order of the district court (Pet. App. 13-20) is available at 2024 WL 589115.

JURISDICTION

The judgment of the court of appeals was entered on January 9, 2026. On March 26, 2026, the Chief Justice extended the time within which to file a petition for a writ of certiorari to and including June 8, 2026, and the petition was filed on that date. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATEMENT

During a traffic stop in July 2022, police in North Carolina found petitioner in possession of a Glock pistol. D. Ct. Doc. 32, at 1-2 (Feb. 23, 2024). The pistol's slide and frame were separated, and a "Glock Switch" machinegun conversion kit was affixed to the slide. Id. at 2. Those parts meet the federal definition of "'machinegun,'" which encompasses "any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger" and any "combination of parts designed and intende[d] for use in converting a weapon into a machinegun." 26 U.S.C. 5845(b).

A grand jury in the United States District Court for the Western District of North Carolina indicted petitioner on one count of possessing a machinegun, in violation of 18 U.S.C. 922(o) and 924(a)(2). Pet. App. 21. The court denied petitioner's motion to dismiss the indictment, rejecting his contention that Section 922(o) is unconstitutional and holding that the Second Amendment allows Congress to prohibit machineguns. Id. at 14-20. Petitioner then pleaded guilty, and the court sentenced him to 18 months of imprisonment, to be followed by three years of supervised release. Id. at 7-8.

The Fourth Circuit affirmed, holding that Section 922(o) is valid on its face and as applied to petitioner. Pet. App. 1-4. The court cited circuit precedent establishing that machineguns

may be prohibited because they are “not in common use for a lawful purpose.” Id. at 3 (quoting United States v. Price, 111 F.4th 392, 403 (4th Cir. 2024) (en banc), cert. denied, 145 S. Ct. 1891 (2025)).

ARGUMENT

Petitioner contends (Pet. 7-16) that the federal statute prohibiting the possession of a machinegun, 18 U.S.C. 922(o), violates the Second Amendment. He requests (Supp. Br. 1-2) that this Court hold his petition for a writ of certiorari pending the resolution of Viramontes v. Cook County, cert. granted, No. 25-238 (June 30, 2026), and Grant v. Higgins, cert. granted, No. 25-566 (June 30, 2026), which present the question whether bans on the possession of AR-15 rifles violate the Second Amendment. The government agrees that Viramontes and Grant could affect the proper disposition of this case and that the petition should accordingly be held pending the resolution of those cases.

CONCLUSION

The petition for a writ of certiorari should be held pending the resolution of Viramontes v. Cook County, cert. granted, No. 25-238 (June 30, 2026), and Grant v. Higgins, cert. granted, No. 25-566 (June 30, 2026), and then disposed of as appropriate.

Respectfully submitted.

D. JOHN SAUER
Solicitor General

A. TYSEN DUVA
Assistant Attorney General

DAVID M. LIEBERMAN
Attorney

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