

**IN THE
SUPREME COURT OF THE UNITED STATES**

No. ____

ANDREA BECKWITH; EAST COAST SCHOOL OF SAFETY; NANCY COSHOW;
JAMES WHITE; J. WHITE GUNSMITHING; ADAM HENDBEE; A&G SHOOTING;
TLC GUNSMITHING AND ARMORY,

Applicants,

v.

AARON M. FREY, in his personal capacity and in his official capacity
as Attorney General of Maine,

Respondent.

**APPLICATION TO THE HON. KETANJI BROWN JACKSON
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT**

Pursuant to Supreme Court Rule 13(5), Andrea Beckwith, East Coast School of Safety, Nancy Coshow, James White, J. White Gunsmithing, Adam Hendsbee, A&G Shooting, and TLC Gunsmithing and Armory (collectively hereafter, “Applicants”), hereby move for an extension of time of 30 days, to and including August 1, 2026, for the filing of a petition for a writ of certiorari. Unless an extension is granted, the deadline for filing the petition for certiorari will be July 2, 2026.

In support of this request, Applicants state as follows:

1. The United States Court of Appeals for the First Circuit rendered its decision on April 3, 2026 (Exhibit 1). This Court has jurisdiction under 28 U.S.C. §1254(1).

2. This case involves a statute that treats individuals who have proven their law-abiding bona fides by passing a background check as insufficiently trustworthy to be allowed to take possession of a firearm without first taking a state-mandated, 72-hour time out. In 2024, Maine enacted 25 Maine Revised Statutes §2016 (“Section 2016”), which imposes a 72-hour delay between when someone agrees to purchase a firearm and when she can keep and bear it. Section 2016 does not purport to facilitate any inquiry into whether someone is a law-abiding citizen; even if the purchaser passes a background check instantly (as most do), she still must wait three days. Nor does it require, or even call for, any additional investigation during that 72-hour period. The wait is instead an unadorned “cooling-off” period, justified on the theory that it may curb impulsive violence or self-harm. That is evident from the title of the underlying bill: “An Act To Reduce Suicides and Violent Crimes by Requiring a 72-hour Waiting Period after the Sale of a Firearm.” Maine Bill LD 1099 (SP 331).

3. Section 2016’s broad restriction applies to any firearm sale in Maine unless (A) the seller knows the buyer works as a law-enforcement officer, corrections officer, or certain type of security guard; (B) the buyer holds a firearms-dealer license; or (C) the seller and buyer are family members; the gun is a curio, relic, or antique; or federal or state law exempts the transaction from background-check requirements. 25 Me. Rev. Stat. §2016(4); *see also id.* §2016(1)(D). Section 2016 carries a fine of between \$200 and \$500 for a first violation and \$500 and \$1,000 for each subsequent violation. *Id.* §2016(3); *see also* 17-A Me. Rev. Stat. §4-B(1).

4. Applicants are law-abiding citizens of and businesses in Maine harmed by Section 2016. Included among them are Nancy Coshow, “a well-trained and responsible gun owner who immediately passed a background check,” “who sought to acquire a handgun for self-defense purposes and passed an immediate background check,” but was unable to take possession of the firearm she purchased “for seventy two hours because of [Section 2016].” Op.4 n.1. Also among Applicants is Andrea Beckwith, a life-long Mainer who owns and operates Applicant East Coast School of Safety, which specializes in private lessons, group courses, seminars, and retreats designed to provide domestic-violence victims with training on first aid and self-defense, including an introduction to safe firearm use and storage, as well as trauma counseling. Before the district court enjoined it, Section 2016 had devastated Beckwith’s ability to help her clients obtain this immediate security. Instead of leaving a gun shop empowered, a domestic-violence victim left having been told at her most vulnerable moment that she could not exercise a basic constitutional right—or access her preferred means to protect herself and her family—for 72 more hours, no matter how acute the risk she faced.

5. Applicants filed this lawsuit challenging Section 2016 shortly after its effects on their lives, their clients, and their businesses became too grave to ignore. They moved for a preliminary injunction as soon as the complaint hit the docket. After briefing and oral argument, the district court granted the motion, finding that Applicants are likely to succeed on their claim that Section 2016 is unconstitutional under the Second Amendment and that the remaining factors favor injunctive relief.

6. The First Circuit reversed in a published opinion issued April 3, 2026. According to the First Circuit, “laws regulating the purchase or acquisition of firearms do not target conduct covered by the Second Amendment’s ‘plain text,’” Op.17, and so are presumptively constitutional, Op.18. So despite this Court’s unequivocal mandate that a state “bears the burden to ‘justify its regulation’” by reference to this Nation’s “historical tradition of firearm regulation” whenever it “regulates arms-bearing conduct,” *United States v. Rahimi*, 602 U.S. 680, 691 (2024) (quoting *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 17, 24 (2022)), the First Circuit held that Applicants bear the burden to “demonstrate that [Section 2016] is abusive toward Second Amendment rights.” Op.18. The court then held that Applicants could not carry that burden, because Section 2016 purportedly promotes the general goal of “diminish[ing] the likelihood that firearms will be kept and borne by irresponsible citizens who may harm themselves or others.” Op.23. The court thus rejected Applicants’ Second Amendment challenge to a state statute that prevents law-abiding citizens from keeping and bearing arms for 72 hours without looking to a single piece of historical evidence.

7. Applicants anticipate filing a petition that demonstrates the profound error in the First Circuit’s decision, which created an acknowledged circuit split on the constitutionality of these sorts of “cooling-off” statutes. On August 19, 2025, the Tenth Circuit issued a published opinion in *Ortega v. Grisham* “holding that” New Mexico’s seven-day cooling-off statute “is unconstitutional.” 148 F.4th 1134, 1156 (10th Cir. 2025). In so holding, the Tenth Circuit made clear that New Mexico’s

statute—which is identical in all material respects to Maine’s, save that its cooling-off period lasts an additional 96 hours—(1) “burden[s] the right to keep and bear arms,” i.e., restricts conduct covered by the Second Amendment’s plain text, *id.* at 1145; (2) “falls far short of a presumptively constitutional law,” *id.* at 1146 (though “Plaintiffs would overcome any presumption of constitutionality” anyway, *id.* at 1149); and (3) is inconsistent with this Nation’s historical tradition of firearm regulation, *id.* at 1149-55. Indeed, the Tenth Circuit “f[ou]nd that the constitutional injury to the Plaintiffs” in the New Mexico case “is so broad and clear that they have met their higher burden entitling them to an injunction changing the status quo.” *Id.* at 1155 n.15. There is thus a clear circuit split on the constitutionality of these sorts of laws—as the First Circuit candidly acknowledged, *see* Op.15 & n.4. And the decision here is clearly on the wrong side of the split. Indeed, just last week, the Attorney General of Florida and all 20 State Attorneys of Florida filed an Offer of Judgment in federal district court conceding that Florida’s essentially identical three-day cooling-off law is “unconstitutional under the Second Amendment.” Offer of Judgment 3, *Dunn v. Glass*, No. 8:25-cv-2264 (M.D. Fla. June 5, 2026), Dkt.45-1.

8. Applicants’ counsel, Erin E. Murphy, requires additional time to prepare a petition that fully addresses the important issues raised by the decision below in a manner that will be most helpful to the Court. An extension will also ensure that counsel has adequate time to consider and address the implications of any decisions or orders this Court may issue in the pending cases of *United States v. Hemani*,

No. 24-1234 (U.S. argued Mar. 2, 2026), and *Wolford v. Lopez*, No. 24-1046 (U.S. argued Jan. 20, 2026).

9. Ms. Murphy also has substantial briefing and argument obligations between now and July 2, including: a response brief in *Salazar v. Paramount Global*, No. 25-459 (U.S.), due June 23; a petition for writ of certiorari in *Sunoco, Inc. v. Cline*, No. ___ (U.S.), due June 26; a petition for writ of certiorari in *Casillas-Huaracha v. Bondi*, No. ___ (U.S.), due June 29; and a supplemental brief in *NetChoice v. Uthmeier*, No. 25-1181 (11th Cir.), also due June 29.

WHEREFORE, for the foregoing reasons, Applicants request that an extension of time to and including August 1, 2026, be granted within which Applicants may file a petition for a writ of certiorari.

Respectfully submitted,


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