

No. 26-374

IN THE
Supreme Court of the United States

BRETT CHRISTIAN, ET AL., *Petitioners*,

v.

STEVEN G. JAMES, SUPERINTENDENT, NEW YORK
STATE POLICE, ET AL., *Respondents*.

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

**Brief *Amicus Curiae* of
Gun Owners of America,
Gun Owners Foundation,
Firearms Regulatory Accountability Coalition,
Tennessee Firearms Association,
Tennessee Firearms Foundation,
Virginia Citizens Defense League,
Virginia Citizens Defense Foundation,
Coalition of New Jersey Firearm Owners,
Connecticut Citizens Defense League, and
Heller Foundation in Support of Petitioners**

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INTEREST OF THE *AMICI CURIAE*¹

Amici Gun Owners of America, Gun Owners Foundation, Firearms Regulatory Accountability Coalition, Tennessee Firearms Association, Tennessee Firearms Foundation, Virginia Citizens Defense League, Virginia Citizens Defense Foundation, Coalition of New Jersey Firearm Owners, Connecticut Citizens Defense League, and Heller Foundation, are nonprofit organizations, exempt from federal income tax under sections 501(c)(3), 501(c)(4), or 501(c)(6) of the Internal Revenue Code. These entities, *inter alia*, participate in the public policy process, including conducting research, and informing and educating the public on the proper construction of state and federal constitutions, as well as statutes related to the rights of citizens, and questions related to human and civil rights secured by law.

Some of these *amici* are currently supporting Second and Fourteenth Amendment challenges to various aspects of New York’s “Concealed Carry Improvement Act” (“CCIA”), the same *Bruen*-response bill at issue in this case. *See Antonyuk v. James*, 120 F.4th 941 (2d Cir. 2024) (upholding various aspects of the CCIA in an interlocutory appeal); *Antonyuk v. James*, 2026 U.S. Dist. LEXIS 223239 (N.D.N.Y. Sept. 30, 2026) (granting plaintiffs’ motion for summary

¹ It is hereby certified that counsel of record for all parties received timely notice of the intention to file this brief; that no counsel for a party authored this brief in whole or in part; and that no person other than these *amici curiae*, their members, or their counsel made a monetary contribution to its preparation or submission.

judgment as to the CCIA’s firearm ban in airports); *see also Antonyuk v. Nigrelli*, 143 S. Ct. 481, 481 (2023) (Alito & Thomas, JJ., respecting denial of application to vacate stay) (observing that the CCIA “presents novel and serious questions under ... the Second Amendment[]”).

STATEMENT OF THE CASE

This case involves a challenge to one of the CCIA’s most geographically expansive categories of “sensitive locations” — public parks. N.Y. Penal Law § 265.01-e(2)(d). In 2022, Petitioners filed suit in the Western District of New York, challenging the CCIA’s parks ban on Second and Fourteenth Amendment grounds. And after over two years of litigation, including an interlocutory decision in the consolidated case *Antonyuk v. James*, 120 F.4th 941 (2d Cir. 2024), the district court ultimately issued a merits ruling on the parties’ cross-motions for summary judgment in January of 2025. *See* Petition Appendix (“Pet.App.”) 70a.

In that decision, the district court explained that, “as counseled by” this Court’s “Second Amendment decisions,” the “right to keep and bear arms ... would require” the district court “to declare the parks issue in [Petitioners’] favor.” Pet.App.71a. Even so, the district court acknowledged that it was bound by the Second Circuit’s divergent *Antonyuk* precedent. *See* Pet.App.72a.²

² Notably, the district court below is not the only district court to have criticized the Second Circuit’s *Antonyuk* opinion as standing

Accordingly, the district court ruled in favor of Respondents, allowing “[t]he parties’ competing arguments” to return to the Second Circuit “for its further examination.” *Id.*

As relevant here, the *Antonyuk* panel previously upheld the CCIA’s parks ban on its face, on the theory that historical tradition supported banning firearms in “quintessentially crowded areas and public forums” such as “*urban* parks, though not necessarily [in] ... *rural* parks.” *Antonyuk*, 120 F.4th at 1019. In support, the *Antonyuk* panel cited two Founding-era states that regulated firearms “in fairs and markets,” which the panel claimed were “the traditional, crowded public forum.” *Id.* at 1020. Looking next to the Reconstruction era, the panel cited five mid-to-late-19th-century jurisdictions that prohibited weapons in public assemblies for “amusement or for educational or scientific purposes....” *Id.* And, finally turning to historical regulations of firearms in the locations

in contravention of this Court’s precedents. Recently in *Antonyuk v. James*, 2026 U.S. Dist. LEXIS 223239 (N.D.N.Y. Sept. 30, 2026), the Northern District of New York “candidly acknowledge[d] that it is conceivable or even likely that certain rulings of the Second Circuit in *Antonyuk II* may be overruled by the Supreme Court based on its intervening decisions....” *Id.* at *66. However, as here, the Northern District found itself bound by the Second Circuit’s decision, unless and until this Court intervenes. *See id.* at *68; *see also Beck v. United States*, 146 S. Ct. 405, 410 (2025) (Thomas, J., dissenting from denial of certiorari) (“In other contexts, when lower courts report confusion and are in disarray, this Court grants certiorari to ‘resolve the circuits’ disagreement and address our lower court colleagues’ calls for clarification.”).

expressly at issue, the panel cited “eight examples” of cities that “regulat[ed] firearms in urban public parks” between 1861 and 1897. *Id.* at 1022. This amalgamation of historical regulations, the panel claimed, evinced “a well-established, representative, and longstanding tradition of regulating firearms” in locations that “tend to be crowded.” *Id.* at 1023. Accordingly, while the panel “doubt[ed]” that the record could justify “prohibiting firearm carriage in rural parks,” it ultimately declined to “resolve this line-drawing issue on” what it claimed to be “a facial challenge.” *Id.* at 1025.

Despite acknowledging that at least “16 parks were created before 1800,” the *Antonyuk* panel did not cite a single Founding-era restriction on firearms in those parks. *Id.* at 1022. To the contrary, the *Antonyuk* challengers had cited “Boston Common [as the Nation’s first urban public park,” which served “as gathering grounds for the militia” and necessarily allowed the possession of firearms throughout. *Id.* at 1024. But the panel dismissed this evidence of a contrary tradition as “unconvinc[ing],” insisting that “[t]he modern idea of the park emerged in the nineteenth century,” and that before then, Founding-era “commons and greens” were “public grazing areas and not places of social recreation.” *Id.* at 1024, 1025. Thus, the panel relied on firearm regulations from when it claimed public parks arose — the Reconstruction era.

In May of 2026, a divided panel of the Second Circuit affirmed the district court below, declining to disturb *Antonyuk*’s prior holding as to public parks.

See Pet.App.1a. In so ruling, the panel majority credited Respondents' collection of historical regulations "spanning from 1858 to the early 1900s[] that expressly forbade carriage of firearms in public parks." Pet.App.27a. Likewise, the panel once again found a "tradition of prohibiting firearms in quintessentially crowded places and public forums," citing two Founding-era states and seven jurisdictions spanning 1869 to 1890. Pet.App.28a. Finally, the panel dismissed "the absence of Founding-era law" banning firearms in public parks as "not dispositive," asserting that "[w]e may rely on later history" when "the case concerns 'new circumstances,'" which the panel claimed to include "*modern* urban public parks...." Pet.App.34a, 35a (emphasis added).

Judge Menashi issued a partial dissent. As he explained, "[r]egulations during the founding period... did not prohibit carriage in public parks or other places reserved for recreation and public gatherings." Pet.App.38a (Menashi, J., concurring in part and dissenting in part). Moreover, "[t]he public parks of that period were not so different from contemporary parks that it is impossible to identify relevant principles of firearms regulation." *Id.* Accordingly, Judge Menashi would have analogized the CCIA's parks ban to historical regulations that were available at the Founding and, with no relevant "tradition of firearms regulation in 1791," would have "enjoin[ed] the enforcement of the Public Parks Provision." Pet.App.39a.

STATEMENT

In *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 31 (2022), this Court recognized the pre-existing, “general right to publicly carry arms for self-defense” under the Second and Fourteenth Amendments to the U.S. Constitution. Prior to *Bruen*, a minority of states “made it almost impossible to obtain a license to carry a firearm” under discretionary licensing regimes (*Wolford v. Lopez*, 146 S. Ct. 2032, 2040 (2026)), but otherwise imposed relatively few restrictions on the locations where those fortunate enough to be bestowed a license could publicly carry. New York was a prime example.

But then, receiving an influx of new licensees following *Bruen*, and faced with the reality that they could no longer deny the right to bear arms *en masse*, many formerly “may-issue” states decided they could not — would not — allow this Court’s precedents to meaningfully alter their anti-gun regimes. The politicians who enacted the “*Bruen*-response bills” that followed explicitly stated their motivations. Indeed, even before *Bruen*’s ink was dry, New York Governor Kathleen Hochul decried this Court’s decision as “reckless” and “reprehensible.”³ Alarmed at the prospect of an armed and independent populace, the Governor made clear that New York would contravene *Bruen*, rather than comply with it: “This decision ... [is] not what New Yorkers want. We should have the

³ “Governor Kathy Hochul Issues Response to Supreme Court Ruling Striking Down New York’s Concealed Carry Restriction,” *New York State* (June 23, 2022).

right of determination.... [We] have a moral responsibility to do what we can ... because of ... the insanity of the gun culture that has now possessed ... the Supreme Court.” *Id.*

To that end, New York’s *Bruen*-response bill, the euphemistically named “Concealed Carry *Improvement* Act,” passed almost immediately thereafter. And, like other *Bruen*-response bills, the CCIA “achieved a similar result” (*Wolford*, 146 S. Ct. at 2040) as New York’s pre-*Bruen* state of affairs — the mass criminalization of the right to public carry, this time via the enumeration of a multitude of categories of “sensitive locations” where firearms are prohibited. In other words, because New York now *has* to issue ordinary Americans licenses to carry firearms, it has rendered those licenses almost worthless by “flatly prohibit[ing]” the possession of firearms on “large portion[s] of the land within the State’s boundaries....” *Id.* Indeed, as Governor Hochul famously quipped, the CCIA had been crafted to relegate the right to public carry to “[p]robably some streets.”⁴ By design and intent, the CCIA has made it as if *Bruen* had never been decided.

SUMMARY OF ARGUMENT

In a recent interview, Justice Alito noted that some of the lower courts still “haven’t gotten the message” about this Court’s Second Amendment

⁴ Marcia Kramer & Dick Brennan, “Fresh Off Primary Win, Gov. Kathy Hochul Drives Right into Guns – Who Can Get Them and Where They Can Take Them,” *CBS NY* (June 28, 2022).

precedents.⁵ The Second Circuit is one of the worst offenders, and the Petition presents a compelling case for this Court’s review of the decision below. In addition to those reasons, these *amici* offer two more.

First, this Court should correct the Second Circuit’s ongoing refusal to follow *Bruen* and now *Wolford*. Those decisions confirm that the Second Amendment obviously applies in crowded public places, and that courts must analogize modern locational restrictions to those this Court identified at the Founding. Rejecting those principles, the Second Circuit has blessed gun control across much of New York State, first by claiming a population density-based veto power over the Constitution’s provisions, and second by manufacturing a late-coming historical record to support it. This Court should not allow such blatant contravention of its precedents to go unanswered.

Second, this Court should resolve the circuit split on whether the Second Amendment applies in America’s most isolated wilderness areas. Even the reliably anti-gun Second Circuit has suggested that a gun ban in “rural public parks” would be a bridge too far. But recently, the Fourth Circuit gladly crossed it, blessing gun control in Maryland’s state forests. This Court should grant the Petition to restore the Second Amendment’s nationwide uniformity.

⁵ Stephen Dinan & Alex Swoyer, “Justice Alito: Lower Courts Haven’t ‘Gotten the Message’ on Affirmative Action, Guns,” *The Washington Times* (Oct. 6, 2026).

ARGUMENT

I. THIS COURT SHOULD GRANT THE PETITION TO CORRECT THE SECOND CIRCUIT’S INCREASINGLY *BRUEN*-DEFYING OPINIONS.

A. *Bruen* and *Wolford* Explicitly Rejected the Notion that “Crowded” Places Are Exempt from the Second Amendment.

The Second Amendment guarantees “the right of the people to keep and bear Arms.” In *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022), this Court explained that this right extends outside the home and codifies a “general right” to public carry — one that applies *broadly* and with *limited* historical exception, if any. *Id.* at 33. Thus, governments cannot ban the possession of firearms in public where “people sometimes congregate” and “simply because [a place] is crowded,” as doing so would “exempt cities from the Second Amendment” and “eviscerate the general right” to public carry. *Id.* at 31. Indeed, as this Court later explained in *Wolford v. Lopez*, 146 S. Ct. 2032 (2026), the “Second Amendment protects[] the right of Americans to carry arms for self-defense as they go about their daily lives,” such as in crowded locations like “gas stations, convenience stores, restaurants, coffee shops, drug stores, grocery stores, ‘big box’ stores, home improvement stores, barber shops or hair salons, dry cleaners, and laundromats.” *Id.* at 2041. In other words, courts cannot reduce the Second Amendment to a loner’s right — it obviously protects “the people” when they are among other “people.”

Were it otherwise, the Amendment’s protection of “the ‘natural right of self-defence’” would be a nullity, relegated to self-defense against bears in vast expanses of wilderness. *District of Columbia v. Heller*, 554 U.S. 570, 612 (2008) (emphasis removed).

B. *Bruen* Directed the Lower Courts to Analogize Modern Locational Restrictions to Founding-Era Locations, Not to Select a Later Timeframe Containing Convenient Analogues.

This Court also has begun to flesh out the contours of the so-called “sensitive places” where it has “assume[d]” that “arms carrying could be prohibited consistent with the Second Amendment.” *Bruen*, 597 U.S. at 30. As this Court acknowledged, “the historical record yields relatively few 18th- and 19th-century ‘sensitive places,’” identifying only “legislative assemblies, polling places, and courthouses” as potential examples.⁶ *Id.* Based on this limited record,

⁶ Previously in *Heller*, this Court assumed that firearm bans in “schools and government buildings” were sufficiently “longstanding” as to survive historical review. *Heller*, 554 U.S. at 626; see also *id.* at 635 (inviting future challenges to these locations to “expound upon the[ir] historical justifications”). But as this Court later acknowledged in *Bruen*, historical assumptions may be misplaced. See *Bruen*, 597 U.S. at 61 (detailing Reconstruction-era accounts of African-Americans “go[ing] armed to school”). Indeed, “early firearm regulations in educational settings” were “only limited prohibitions, specifically disarming students but not the public at large,” such as parents or teachers. *United States v. Allam*, 140 F.4th 289, 298 (5th Cir. 2025); accord *NRA v. Bondi*, 133 F.4th 1108, 1120-21 (11th Cir. 2025) (collecting sources). Likewise, courts have rejected the notion that “all

this Court instructed lower courts faced with “modern regulations prohibiting the carry of firearms” in certain locations to “use analogies to *those* historical regulations of ‘sensitive places’....” *Id.* (emphasis added). Thus, under this Court’s framework, a locational restriction must be analogous to that of the historical legislative assemblies, polling places, and courthouses this Court described. As one district court summarized, this means a place can only be “sensitive” if it is a “civic location[] sporadically visited in general, where a bad-intentioned armed person could disrupt key functions of democracy,” and is “typically secured ... where uniform lack of firearms is generally a condition of entry, and where government officials are present and vulnerable to attack.” *Hardaway v. Nigrelli*, 639 F. Supp. 3d 422, 440 (W.D.N.Y. 2022) (emphasis removed), *vacated on mootness grounds*, *Antonyuk v. Chiumento*, 89 F.4th 271 (2d Cir. 2023). If a location does not share these historical features, then firearms cannot be banned within.

C. The Second Circuit’s Approach Defies Second Amendment Text, History, and this Court’s Precedents.

In blatant contravention of these principles, the Second Circuit has adopted an entirely foreign

government buildings, including post offices, are sensitive places,” following review of the applicable historical record. *Firearms Pol’y Coal., Inc. v. Bondi*, 805 F. Supp. 3d 721, 730 (N.D. Tex. 2025). The Government subsequently has agreed. See *Application of 18 U.S.C. § 930(a) to Post Offices*, 50 Op. O.L.C. — (Aug. 12, 2026).

approach to sanctioning all manner of “sensitive places.” First, both the panel below and the panel in *Antonyuk* asserted a historical tradition of banning firearms in “quintessentially crowded places and public forums.” Pet.App.28a; *see also Antonyuk*, 120 F.4th at 1019. But that conclusion is irreconcilable with *Bruen* and *Wolford*’s teachings, and it “read[s] a principle at such a high level of generality that it waters down the right.” *United States v. Rahimi*, 602 U.S. 680, 740 (2024) (Barrett, J., concurring).⁷

Indeed, this Court already has explained that “there is no historical basis for New York to effectively declare ... a ‘sensitive place’ simply because it is crowded” (*Bruen*, 597 U.S. at 31), such as in “many places that people routinely visit in the course of their daily routines” (*Wolford*, 146 S. Ct. at 2041). The Second Circuit’s contrary holding – that guns can be banned in “quintessentially crowded places and public forums” — is self-evidently incorrect, and this Court should grant the Petition to ensure that its precedents are followed.

Second, when faced with an absence of relevant Founding-era analogues, the Second Circuit shifted gears. Rather than analogize the CCIA’s parks ban to firearm regulations that *did* exist at the Founding, the panel gamed the historical time period until it could

⁷ Not to mention, the Second Circuit’s conclusion rests on just two Founding-era states’ firearm regulations, presenting serious numerosity issues under *Bruen*’s national standard. *See Bruen*, 597 U.S. at 46 (“we doubt that *three* colonial regulations could suffice to show a tradition of public-carry regulation”).

find favorable analogues. To that end, the panel conveniently claimed that public parks are “modern” inventions dating only to the mid-1800s,⁸ and thus that those decades should be the operative time period — an era that just so happened to yield firearm regulations in support. Pet.App.35a. But all this proves is that “he who writes the resolved clause wins the debate.”⁹ If a modern firearm regulation has no analogue at the Founding, that makes it *unconstitutional*. It is not an invitation to search later and later (and later¹⁰) through history until one achieves their desired result. This Court has reiterated time and again that a court’s focus should be on the Founding. Yet time and again, courts have resorted to whatever time period will justify the

⁸ The absurdity of declaring public parks “modern” — and therefore incapable of analogy to the Founding — bears emphasis. Under the Second Circuit’s limitless logic, *any public place* in the year 2026 could be declared “modern” for one reason or another — like “barber shops or hair salons” (*Wolford*, 146 S. Ct. at 2041), for example. To be sure, the Framers were familiar with businesses that cut hair (and sold wigs). But to the Second Circuit, perhaps the “romantic and rationalist ideals” of “quiet[ly] contemplat[ing]” the modern barber shop’s modern aesthetics like swivel chairs, electric razors, and lollipop jars would render any Founding-era analogies inapt. See Pet.App.55a. Of course, to “state the analogy is to expose its deficiency.” *United States v. Hemani*, 146 S. Ct. 1677, 1689 (2026).

⁹ Steven Hayward, M. Stanton Evans: Conservative Wit, Apostle of Freedom 255 (2022).

¹⁰ See, e.g., *Kipke v. Moore*, 165 F.4th 194, 210 (4th Cir. 2026) (relying on firearm regulations enacted as recently as 1900); *Bevis v. City of Naperville*, 85 F.4th 1175, 1201 (7th Cir. 2023) (citing firearm regulations spanning 1884 to 1986).

challenged regulation.

Unfortunately, this sort of time-period shopping is growing in popularity, and it is a “virus that may spread if not promptly eliminated.” *Coal. for TJ v. Fairfax Cnty. Sch. Bd.*, 146 S. Ct. 541, 545 (2024) (Alito & Thomas, JJ., dissenting from denial of certiorari). In addition to the Second Circuit below, a now-vacated panel of the Third Circuit engaged in similar tactics to uphold much of New Jersey’s *Bruen*-response bill in *Koons v. Att’y Gen. N.J.*, 156 F.4th 210 (3d Cir. 2025), *amended*, 2025 U.S. App. LEXIS 24011 (3d Cir. Sept. 17, 2025), *vacated, reh’g en banc granted*, 162 F.4th 100 (3d Cir. 2025). There, the panel discounted the views of the Framers entirely, declaring various aspects of New Jersey’s law so “unprecedented” as to warrant focusing on Reconstruction (where, conveniently, the panel could find analogues). *See Koons*, 156 F.4th at 270-71. And in the Ninth Circuit, panel after panel has followed suit. *See, e.g., Wolford v. Lopez*, 116 F.4th 959, 982 (9th Cir. 2024) (citing 23 analogues from 1872 to 1899), *rev’d*, 146 S. Ct. 2032 (2026). As Judge Lawrence VanDyke explained, “[e]ven though public parks existed well before the Founding and the states provide no evidence of firearm bans from that time period, the panel divined a historical tradition by redefining the inquiry to search for more recent regulations of ‘modern’ parks.” *Carralero v. Bonta*, 125 F.4th 1246, 1258 (9th Cir. 2025) (VanDyke, J., dissenting from denial of rehearing en banc).

Nor is it even true that public parks lack so much as a remote analogue at the Founding. Boston

Common, established in 1634, is considered “the nation’s first city park.”¹¹ In fact, “the modern playground and recreation-park movement may fairly be said to have had its beginnings for Americans in Boston,”¹² and Boston Common “served as a site for informal socializing and recreation” during the Founding era, including “[s]trolling,” “[h]orse- and carriage riding,” “sports,” “entertainment,” and “raucous celebrations.”¹³ Cf. Pet.App.36a (claiming “Boston Common was used primarily for grazing animals and for holding military exercises and was not akin to modern parks”). Indeed, the U.S. Government itself explains that “the Common was a place for recreation as early as the 1660s.”¹⁴

Boston Common was no anomaly. In New York, City Hall Park began as a “public common[]” in the 17th century.¹⁵ New York’s Bowling Green Park likewise was established in 1733. *Id.* And nearby Duane Park was the first open space New York City purchased “specifically for use as a public park” in

¹¹ Margaret Walls, “Parks and Recreation in the United States: Local Park Systems,” *Resources for the Future* (June 2009) at 1.

¹² *Parks*, 21 *Encyclopedia Americana* (1919).

¹³ Anne Beamish, *Before Parks: Public Landscapes in Seventeenth- and Eighteenth-Century Boston, New York, and Philadelphia*, 40 *Landscape J.* 1, 3-6 (2021).

¹⁴ “Boston Common,” *National Park Service* (Jan. 16, 2025).

¹⁵ “The Earliest New York City Parks,” *NYC Parks* (last visited Oct. 16, 2026).

1797.¹⁶ Finally, in the South, urban planners designed Savannah, Georgia around public squares — open green spaces that became the landscaped parks that residents and visitors know today. Indeed, Savannah’s squares started initially as “open, unplanted plazas,” but they were “remodel[ed] ... around 1800 ... into landscaped neighborhood parks.”¹⁷ There is no question that the Framers had “modern” parks all along, and there is no evidence — none — that they ever banned firearms in such places.

Nor does it make any sense *not* to analogize modern public parks to the open spaces, commons, greens, and other parks of the Founding. Technology has rapidly developed in all other areas of life — much more dramatically than parks have — and yet no one questions constitutional protection in those modern contexts. Consider the cell phone — an item that would appear to the Framers to be an unfathomable box of alien wizardry. Consider all that would have to be explained at the threshold just to make the cell phone make sense — electricity, batteries, magnetism, radio waves, semiconductors, coding, the internet, rockets, fossil fuels, and satellites in orbit. And each of those would require further explanation. Even so, no one at the Founding would have claimed that an “X” post under a fake account name would warrant *less* constitutional protection than an anonymous pamphlet

¹⁶ “Duane Park Origins,” *Historical Marker Database* (last visited Oct. 16, 2026).

¹⁷ Turpin Bannister, *Oglethorpe’s Sources for the Savannah Plan*, 20 J. of Soc’y of Arch. Hist. 47, 48 (1961).

stamped out on a printing press. To the contrary, “the First Amendment protects modern forms of communications...” *Bruen*, 597 U.S. at 28.

In contrast, modern public parks would be immediately recognizable to the Framers. The presence of children’s swings, picnic tables, grills, and *mulch* hardly would be so incomprehensible as to require hours of leadup explanation like the cell phone would. To claim that the Framers could *never* have fathomed a “dedicated space[] for peaceful recreation and quiet contemplation of natural scenery” (Pet.App.55a) strains credulity. This Court should grant the Petition to put an end to these *Bruen*-defying lower-court tactics and to reaffirm that the Second Amendment “is not ‘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.

II. THIS COURT SHOULD RESOLVE THE CIRCUIT SPLIT ON BANNING FIREARMS IN “RURAL” PARKS.

In addition to contravening this Court’s clear teachings, the decision below splits with the Fourth Circuit on the extent to which firearms may be banned in public parks, warranting review here. Indeed, the Second Circuit has “doubt[ed]” that the historical record “could set forth a well-established tradition of prohibiting firearm carriage in rural parks,” leaving open as-applied challenges to the CCIA’s firearm ban in New York’s “vast forests, rolling farmlands, ... mountains and valleys, lakes, ponds and free-flowing rivers, private lands and public forest.” *Antonyuk*, 120

F.4th at 1025. In stark contrast, the Fourth Circuit recently upheld a Maryland ban on firearms not only in “urban public parks,” but *also* in “state forests,” on the theory that both locations “offer diverse and substantial recreational and educational opportunities” warranting disarmament within. *Kipke v. Moore*, 165 F.4th 194, 214 (4th Cir. 2026). But “the Second Amendment has the same meaning in all parts of the United States,” and “local attitudes can neither shrink nor inflate the meaning of fundamental Bill of Rights guarantees....” *Wolford*, 146 S. Ct. at 2050. Thus, if the Fourth Circuit’s decision were correct, its reasoning would justify banning firearms in all of New York’s Adirondack Park, which “encompasses ‘one-third of the total land area of New York State’” (*Antonyuk*, 120 F.4th at 1025), dwarfing “the island of Manhattan” (*Bruen*, 597 U.S. at 31) by a factor of 407 to one.¹⁸

Of course, that cannot be the case. New York’s rural parks of today are vast tracts of wilderness with unblemished forests — the same as they were 250 years ago, likely with some of the same trees. Back then, Americans were free to carry firearms there. But today, in New York, they are not. That is evidence

¹⁸ Such reasoning also would justify banning firearms in hundreds of millions of acres’ worth of state and federal parkland in Alaska, for example, relegating much of the state a Second Amendment-free zone. See “Division of Parks & Outdoor Recreation,” *Alaska Department of Natural Resources* (last visited Oct. 16, 2026); “Alaska State Forests,” *Alaska Department of Natural Resources* (last visited Oct. 16, 2026); “Land Ownership in Alaska,” *Alaska Department of Natural Resources* (Mar. 2000).

enough that the CCIA's parks ban defies the Second Amendment's historical understanding. This Court should grant the Petition to resolve this circuit split and restore uniformity in the scope of the right to public carry.

CONCLUSION

For the foregoing reasons, the Petition should be granted.

Respectfully submitted,

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