

No. 26-5221

IN THE SUPREME COURT OF THE UNITED STATES

MARKELL ANTHONY COLEMAN, PETITIONER

v.

UNITED STATES OF AMERICA

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

MEMORANDUM FOR THE UNITED STATES

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Petitioner contends (Pet. 18-19) that the portions of the National Firearms Act, 26 U.S.C. 5801 et seq., prohibiting the possession of an unregistered machinegun, 26 U.S.C. 5845(a)(6) and (b), 5861(d), 5871, violate the Second Amendment. He requests (Pet. 19) that this Court hold his petition for a writ of certiorari pending the resolution of Viramontes v. Cook County, cert. granted, No. 25-238 (oral argument scheduled for Dec. 2, 2026), and Grant v. Higgins, cert. granted, No. 25-566 (oral argument scheduled for Dec. 2, 2026), which present the question whether bans on the possession of AR-15 rifles violate the Second

Amendment. Although petitioner acknowledges (Pet. 19) that he did not raise his Second Amendment challenge below, the government does not object to holding the petition. This Court should therefore hold the petition pending the resolution of Viramontes and Grant and then dispose of the petition as appropriate.*

Respectfully submitted.

D. JOHN SAUER
Solicitor General

OCTOBER 2026

* The government waives any further response to the petition for a writ of certiorari unless this Court requests otherwise.