

No. 26-5483

**In The
Supreme Court Of The United States**

STEVEN ERIC WALKER,

Petitioner,

v.

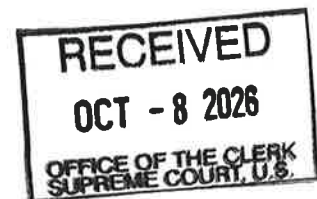
UNITED STATES, ET AL.,

Respondents.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Ninth Circuit
(No. 23-55525)

**SUPPLEMENTAL BRIEF OF PETITIONER
PURSUANT TO RULE 15.8**

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**SUPPLEMENTAL BRIEF OF PETITIONER
PURSUANT TO RULE 15.8**

Pursuant to Rule 15.8, Petitioner respectfully calls the Court’s attention to two *amicus* briefs filed October 1, 2026, in *Johnson v. United States*, No. 26-270. Unavailable when Petitioner filed his September 28, 2026, supplemental brief, those briefs independently address the methodological question presented here: whether a categorical rule may prevent the Government from being required to justify a firearm disability under the historical inquiry prescribed by *New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022).

I. THE *JOHNSON AMICI* IDENTIFY THE SAME METHODOLOGICAL QUESTION PRESENTED HERE

The Cato Institute argues that persons convicted of felonies remain among “the people” protected by the Second Amendment and that conviction status cannot substitute for *Bruen*’s historical inquiry. Brief of Cato Institute as *Amicus Curiae* at 4–8, *Johnson v. United States*, No. 26-270 (U.S. Oct. 1, 2026). It characterizes conviction as providing process on the “wrong question” where the constitutional inquiry concerns the Government’s authority to impose a permanent firearm disability. *Id.* at 15–17.

The National Rifle Association, Firearms Policy Coalition, and Second Amendment Foundation similarly argue that *Heller*’s description of certain firearm regulations as “presumptively lawful” does not render them conclusively lawful or eliminate *Bruen*’s historical inquiry. Brief of National Rifle Association of America et al. as *Amici Curiae* at 4–5, *Johnson*, No. 26-270 (U.S. Oct. 1, 2026).

Those submissions bear directly upon Petitioner’s first Question Presented. See Pet. at ii. The decision below applied circuit precedent categorically before Respondents answered and without requiring the Government to identify a historical tradition supporting the permanent disability challenged here. Pet. at 12–19, 21–23. *Johnson* thus presents, under the same federal statute, the recurring question whether conviction status or categorical precedent may introduce an additional limit into the plain-text inquiry, displace the constitutional sequence, and relieve the Government of its historical burden. Cf. *Wolford v. Lopez*, 609 U.S. 185, 214–15 & n.1 (2026) (Barrett, J., concurring) (“The disagreement is instead whether courts can smuggle additional limits, drawn from our regulatory tradition, into the plain-text stage of the inquiry. The answer is and always has been no.”).

II. THE *AMICI*’S REFERENCES TO “DANGEROUSNESS” DO NOT ALTER THE ANTECEDENT TEXTUAL INQUIRY

Petitioner does not rely upon *amici*’s broader characterization of the historical principle as permitting disarmament of “dangerous persons” or persons having a “proven proclivity for violence.” See NRA Br. at 3–5. Cato itself cautions against reading history “at such a high level of generality that it waters down the right.” Cato Br. at 12–13 (quoting *United States v. Rahimi*, 602 U.S. 680, 740 (2024) (Barrett, J., concurring)).

“Dangerousness” does not qualify the Second Amendment’s reference to “the people.” Nor can dangerous or violent conduct, stated at that level of generality, distinguish protected from unprotected conduct: keeping and bearing arms necessarily contemplates the capacity to employ dangerous, and sometimes violent,

force in lawful self-defense and security. See *District of Columbia v. Heller*, 554 U.S. 570, 584, 592, 628 (2008). The constitutional distinction is therefore not violence alone, but unlawful aggression as distinguished from lawful defensive force.

The NRA *amici*'s own historical sources reinforce that distinction. They describe restrictions associated with particular conduct or contemporaneous conditions, including rebellion, wartime disloyalty, threatened violence, and incapacity, rather than an automatic permanent disability arising from conviction alone. NRA Br. at 5–21. Some were conditional or permitted individualized relief; *amici* themselves acknowledge that Revolutionary-era measures “were not models for constitutional rights.” *Id.* at 7, 12–17. Massachusetts, for example, initially required participants in Shays’s Rebellion to surrender their arms for three years as a condition of pardon, yet permitted them to reclaim those arms within four months. *Id.* at 18. The brief also identifies proposed arms guarantees expressly referring to “actual Rebellion,” “peaceable citizens,” and “crimes committed, or real danger of public injury.” *Id.* at 18–21. Those proposals demonstrate that such qualifications were contemplated and could have been expressed. However, *none appears* in the Second Amendment’s plain text, ultimately proposed by Congress and ratified by the people. Those *unadopted formulations* therefore cannot themselves supply an extra-textual qualification to “the people.” See *Wolford*, 609 U.S. at 195–96, 205; Pet. 28–29 & n.13.¹ Nor do those sources themselves establish a representative national

¹ Much of the historical material relied upon by *amici* predates ratification of the Second Amendment and may support competing plausible interpretations of the conditions historically thought to justify disarmament. But *Bruen* instructs that, where historical evidence admits of multiple plausible interpretations, courts must “favor the one that is

tradition of permanent conviction-based dispossession. *Wolford* requires consideration of prevalence, acceptance, and relevant similarity, and holds that “[a]n outlier legal rule adopted in a few locales is not enough.” 609 U.S. at 196–97, 207. *Hemani* likewise requires correspondence in the persons burdened, purpose, and operation. 608 U.S. 772, 780–83. The historical sources instead reinforce the petition’s contention that restrictions responding to particular conditions do not establish a representative tradition of permanent disability surviving punishment and cessation of the condition supporting the restraint. See Pet. 22–37.

Historical restrictions addressing demonstrated threats of unlawful violence may inform *Bruen*’s historical inquiry, but their “why” and “how” include the condition triggering the disability, its operation, and duration. See *Rahimi*, 602 U.S. at 692; *Hemani*, 608 U.S. at 780–83. Cato likewise recognizes that historical process addressed the “dangerousness or incapacity that justified disarmament” at or near the time of the finding, and that disarmament was temporary. Cato Br. 15–17.

Congress’s statutory structure reinforces the distinction. Section 922(g)(1) predicates disability upon *conviction* and contains *no* dangerousness criterion. Section 922(g)(8), by contrast, expressly requires specified findings concerning a threat to another person, while § 925(c) separately makes prospective dangerousness relevant to *individualized relief from* federal firearm disability. Those choices should

more consistent with the Second Amendment’s command.” Historical practice may illuminate the original meaning of the constitutional text; it may not supply an unratified qualification inconsistent with, or altering, that text. See 597 U.S. at 36 & 44 n.11; *Wolford*, 609 U.S. at 205.

not be collapsed by importing “dangerousness” into § 922(g)(1) as an extra-textual threshold preventing the Government’s historical burden from arising. See Pet. 13–19, 28–29.

CONCLUSION

The October 1 submissions are significant not because Petitioner adopts every historical proposition advanced by *amici*, but because *amici* in another pending § 922(g)(1) challenge independently identify the same methodological problem presented here. *Hemani* confirms that once the Amendment’s terms cover the conduct, the Constitution presumptively protects it and the Government bears the historical burden, measured principally through the “why” and “how” of historical regulation. 608 U.S. at 780–83.

Here, Respondents never answered the complaint, the Government elected not to file an answering brief on appeal or a response in this Court, and the courts below resolved Petitioner’s claim categorically without requiring the Government to carry that burden. The intervening *Johnson* briefs therefore reinforce the recurring question presented by the petition: whether categorical doctrine may terminate a Second Amendment claim before the Government is ever required to justify the challenged restriction under *Bruen*. See Pet. ii.

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,



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October 4, 2026