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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Pursuant to Supreme Court Rule 15.8, Petitioner respectfully submits Knife Rights, Inc. v. Blanche, No. 25-10754 (5th Cir. Oct. 21, 2026), an intervening decision bearing directly upon the Questions Presented. The decision does not raise a new question but demonstrates the constitutional significance of requiring the Government to carry, and courts to evaluate, the historical burden prescribed by New York State Rifle & Pistol Ass'n v. Bruen. See Pet. iii–iv, 13–22.

I. KNIFE RIGHTS DEMONSTRATES THAT HISTORICAL EVIDENTIARY SUFFICIENCY CAN BE OUTCOME DETERMINATIVE

In *Knife Rights*, the Fifth Circuit considered a civil Second Amendment challenge and examined the Government's historical evidence supporting the challenged restriction. The court concluded that the evidence presented was insufficient to establish a representative historical tradition supporting one of the restrictions at issue and reversed dismissal of that claim. *Knife Rights*, slip op. at 22–27, 29–30. The significance of the decision is not limited to the particular weapon or statute involved. Rather, the decision demonstrates that constitutional outcomes may depend upon the sufficiency of the historical evidence actually presented. The mere existence of historical regulations did not resolve the constitutional question. The court instead examined whether the Government's evidence adequately established the historical tradition required by this Court's Second Amendment framework. *Id.* at 23–26.

That outcome reflects a broader constitutional principle. This Court has long recognized that burdens of proof and evidentiary requirements operate as safeguards against erroneous deprivation of protected liberty interests. *Speiser v. Randall*, 357

U.S. 513, 525–26 (1958); *Addington v. Texas*, 441 U.S. 418, 425–27 (1979); *Santosky v. Kramer*, 455 U.S. 745, 756 (1982). Although those decisions arise outside the Second Amendment context, they illustrate the fundamental constitutional proposition that governmental assumptions cannot substitute for meaningful evidentiary justification where important liberty interests are at stake.

II. PETITIONER'S CLAIM WAS DISMISSED WITHOUT ANY COMPARABLE EVIDENTIARY INQUIRY

Petitioner's civil complaint alleged that he is among "the people," is "law-abiding," and was prohibited from possessing a firearm for lawful self-defense *after paying his debt to society and returning to the life of an ordinary free citizen.*[1] Petitioner's complaint challenged a continuing firearm disability after completion of punishment and supervision. Unlike the plaintiff in *Knife Rights*, however, Petitioner never received an adversarial historical inquiry. The complaint was dismissed *sua sponte* before service under 28 U.S.C. § 1915(e)(2)(B)(ii). Neither governmental defendant answered, and no historical evidence was presented or evaluated.

The Government therefore never established the existence, representativeness, relevance, or sufficiency of any historical tradition supporting the challenged restriction. Instead, Petitioner's claim was resolved through categorical circuit

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[1] The expression "paid his debt to society" reflects the satisfaction of punishment for criminal wrongdoing and society's recognition that the obligation imposed has been fulfilled. The constitutional structure recognizes governmental authority to punish but does not thereby establish unlimited authority to perpetuate restrictions upon enumerated rights after punishment and supervision have ended. Any continuing deprivation must rest upon its own constitutional justification, rather than the mere historical fact of conviction. *See* U.S. Const. amends. II, V, IX, XIV; *Wolff v. McDonnell*, 418 U.S. 539, 555–56 (1974); *Bruen*, 597 U.S. at 24-44 & n. 11.

doctrine before the historical burden recognized in *Bruen* was ever tested through adversarial litigation. *Knife Rights* demonstrates why that distinction matters. The Fifth Circuit's decision shows that constitutional adjudication cannot rest merely upon assumptions concerning historical justification. Historical evidence must be examined and assessed for sufficiency. Where the Government's showing is inadequate, the challenged restriction remains unsupported under the constitutional framework established by this Court. *Knife Rights*, slip op. at 15–17, 22–27.

Petitioner has consistently maintained that the Government's historical burden under *Bruen* requires more than citation to isolated regulations, generalized dangerousness, or categorical presumptions. Whether characterized as a heightened evidentiary safeguard or otherwise, constitutional protection against erroneous deprivation requires meaningful scrutiny of the Government's historical showing before an enumerated right may be infringed, denied, or disparaged. *Knife Rights* demonstrates that such scrutiny can be outcome determinative, while Petitioner's case was dismissed before any such inquiry occurred. *Id.* at 23–27, 29–30.

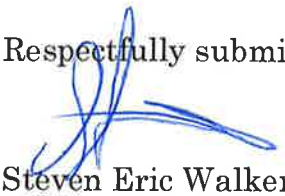
The intervening decision does not itself resolve whether a civil Second Amendment complaint may be dismissed before service without an adversarial historical record. That procedural question remains independently presented by Petitioner's case. Nevertheless, *Knife Rights*, considered alongside the recent intervening decisions arising across the Third, Fifth, Eighth, and Ninth Circuits, illustrates geographically widespread differences in the application of Second Amendment historical methodology and evidentiary review. Although involving

different statutes and circumstances, these decisions underscore the national importance of a uniform constitutional standard governing the Government's historical burden. The constitutional protection secured by the Second Amendment cannot depend upon the federal circuit in which a civil claim arises. *Knife Rights* thus demonstrates why the historical burden matters to constitutional outcomes and why Petitioner's pre-service dismissal, without any examination of the Government's historical justification, warrants this Court's review.

CONCLUSION

The intervening decision in *Knife Rights* reinforces Petitioner's existing Questions Presented by demonstrating that the sufficiency of the Government's historical evidence may determine the constitutional outcome of a civil Second Amendment challenge. Petitioner's claim, by contrast, was dismissed before any historical evidence was presented or evaluated. Petitioner respectfully requests that the Court grant certiorari or, alternatively, grant, vacate, and remand for reconsideration in light of intervening authority.

Respectfully submitted,



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Dated: October 30, 2026.