No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

BRENNAN JAMES COMEAUX,

Petitioner,

versus

UNITED STATES OF AMERICA,

Respondent.

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

APPENDIX

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United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
June 18, 2026
Lyle W. Cayce
Clerk

No. 24-30307

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

BRENNAN JAMES COMEAUX,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 6:23-CR-183-1

Before SMITH, CLEMENT, and DUNCAN, *Circuit Judges*.

JERRY E. SMITH, *Circuit Judge*:

Brennan Comeaux was charged with possessing an unregistered silencer in violation of 26 U.S.C. § 5861(d). He moved to dismiss the indictment, asserting that § 5861(d) violates the Second Amendment facially and as applied to him. The district court denied the motion. Comeaux entered a conditional guilty plea that preserved the right to press his constitutional challenge on appeal.

While his appeal was pending, a different panel decided *United States v. Peterson*, 161 F.4th 331 (5th Cir. 2025), *cert. denied*, 224 L. Ed. 2d 501

(2026), which upheld a § 5861(d) conviction because § 5861(d) did not burden the defendant's Second Amendment rights.

Though silencers are Second Amendment "Arms," Comeaux has not alleged that the National Firearms Act's ("NFA") shall-issue regime has been put toward abusive ends. Because *Peterson* controls, he has therefore not shown that his Second Amendment rights have been violated. We affirm.

I.

After arresting Comeaux for unlawfully discharging a firearm, sheriff's deputies executed a search warrant on Comeaux's residence, seizing multiple firearms, suspected silencers, and other firearm-related paraphernalia. The sheriff's department then contacted the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"), which determined that the suspected silencers were consistent with a "device for silencing, muffling, or diminishing the report of a portable firearm." Comeaux admitted to an ATF agent that he manufactured and possessed the silencers.

A federal grand jury charged Comeaux with possessing an unregistered firearm, in violation of § 5861(d), and possessing a firearm unidentified by a serial number, in violation of § 5861(i). Both counts listed the silencers as the "firearm[s]."

Comeaux moved to dismiss the indictment, asserting that § 5861(d) and (i) violates the Second Amendment on its face and as applied to him. The district court denied Comeaux's motion, explaining that silencers are "dangerous and unusual weapons" that are not protected by the Second Amendment.[1]

[1] The court assumed, without deciding, that silencers are Second Amendment "Arms."

Comeaux pleaded guilty of possession of unregistered firearms in violation of § 5861(d), reserving the right to press his constitutional challenge on appeal. The district court sentenced Comeaux to 24 months in prison and three years of supervised release.

II.

We review preserved constitutional questions *de novo*, *United States v. Daniels*, 124 F.4th 967, 971 (5th Cir. 2025), *petition for cert. filed* (June 5, 2025) (No. 24-1248), and unpreserved challenges for plain error only, *United States v. Jones*, 88 F.4th 571, 572 (5th Cir. 2023) (per curiam). Comeaux raises a facial and as-applied challenge.[2]

III.

A.

The NFA, 26 U.S.C. §§ 5801–5872, requires the registration of statutorily defined firearms. *See United States v. Cox*, 906 F.3d 1170, 1174 (10th Cir. 2018). A "firearm" includes silencers. § 5845(a)(7). "No person shall make a firearm unless" he files "with the [Attorney General] a written application," identifies the firearm to be made, identifies himself and provides his fingerprints and photograph, pays a $200 tax,[3] and obtains "the approval of the [Attorney General] to make and register the firearm." §§ 5821, 5822, 7801(a)(2). It is "unlawful for any person" "to receive or possess a firearm

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[2] The government contends that we may review Comeaux's as-applied challenge only for plain error because he did not raise it in the district court. But in his motion to dismiss, Comeaux stated that § 5861(d) "violate[s] the Second Amendment on [its] face and as applied to him[.]" The district court ruled on both challenges, holding that § 5861(d) was "lawful both facially and as applied in this case." Because Comeaux explicitly raised an as-applied challenge that the district court recognized and adjudicated, he preserved both his as-applied and facial challenges. *See Does 1–7* v. *Abbott,* 945 F.3d 307, 310 n.3 (5th Cir. 2019) (per curiam).

[3] Since Comeaux's arrest, the tax has been decreased to $0. *See* 26 U.S.C. § 5821.

which is not registered to him in the National Firearms Registration and Transfer Record." § 5861(d).

To be valid, however, firearms statutes such as the NFA must comply with the Second Amendment, which protects "the right of the people to keep and bear Arms." U.S. CONST. amend. II. In adjudicating Second Amendment claims, courts must employ the two-step analysis in *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 24 (2022).

Bruen, 597 U.S. at 24, first asks whether "the Second Amendment's plain text covers an individual's conduct." "[T]he Second Amendment extends, prima facie, to all instruments that constitute bearable arms, even those that were not in existence at the time of the founding." *Id.* at 28 (quoting *District of Columbia v. Heller*, 554 U.S. 570, 582 (2008)). In the Second Amendment sense, "Arms" comprises "weapons of offence," "armour of defence," and "anything that a man wears for his defence, . . . takes into his hands, or useth in wrath to cast at or strike another." *Heller*, 554 U.S. at 581 (citation modified). "When the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct" and courts proceed to Step 2. *Bruen*, 597 U.S. at 24.

Bruen's second step asks "whether the challenged regulation is consistent with the principles that underpin our regulatory tradition." *United States v. Connelly*, 117 F.4th 269, 274 (5th Cir. 2024) (citations omitted). "It is the government's burden to demonstrate that the challenged regulation is 'relevantly similar' to laws our tradition is understood to permit," and the government meets that burden "by finding and explicating 'historical precursors' supporting the challenged law's constitutionality." *Id.* (quoting *Bruen*, 597 U.S. at 29). "The challenged and historical laws are 'relevantly similar' if they share a common 'why' and 'how'"—that is, "they must both (1) address a comparable problem (the 'why') and (2) place a comparable

burden on the right holder (the 'how')." *Id.*; *see Bruen*, 597 U.S. at 27–30.

In *Peterson*, we reviewed a Second Amendment challenge to the silencer regulations in § 5861. 161 F.4th at 337–42. Peterson sold firearms to an undercover ATF agent without reporting the transaction as required by 27 C.F.R. § 478.126a. When ATF executed a search warrant on his home, they found a silencer that Peterson had made from a kit. Peterson pleaded guilty of possession of an unregistered silencer under § 5861(d) and appealed his conviction on Second Amendment grounds. *Id.*

Peterson assumed, without deciding, that silencers are "Arms" under the Second Amendment. *Id.* at 339. The panel held that the NFA's shall-issue silencer-registration regime is "presumptively lawful" and does not implicate the Second Amendment unless a rights claimant can show that the system "has been 'put toward abusive ends' through 'exorbitant fees' or 'lengthy wait times in processing license applications.'" *Id.* at 340 (quoting *Bruen*, 597 U.S. at 38 n.9). Peterson's challenge failed at Step 1 of *Bruen* because he "neither alleged that he applied for an NFA license to make a suppressor, nor asserted that he paid the $200 tax, nor claimed that the tax or application-processing times discouraged him from submitting an application to the ATF." *Id.* (citation modified).

The opinion was narrow, deciding "only that Peterson has failed to 'develop any argument' or record to show that the NFA is unconstitutional as applied to him." *Id.* at 341–42 (citing *United States v. Bridges*, 150 F.4th 517, 531 (6th Cir. 2025) (Nalbandian, J., concurring)). *Peterson* left open "the possibility that another litigant may successfully challenge the NFA's requirements." *Id.* at 341.[4]

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[4] Because a facial challenge requires a claimant to "establish that no set of circumstances exists under which the Act would be valid[,]" *United States v. Rahimi*, 602 U.S.

B.

Comeaux asserts that possessing silencers without registration "is protected by the plain text of the Second Amendment" and thus requires a *Bruen* Step-2 analysis.[5]

1.

Peterson left open the question whether silencers are Second Amendment "Arms." 161 F.4th at 339. They are.

Under the Second Amendment, "Arms" comprises "weapons of offence," "armour of defence," and "anything that a man wears for his defence, . . . takes into his hands, or useth in wrath to cast at or strike another." *Heller*, 554 U.S. at 581 (citation modified). To "bear arms," in sum, means to "wear, bear, or carry . . . for the purpose . . . of being armed and ready for offensive or defensive action in case of conflict with another person." *Id*. at 584 (ellipses in original).

Silencers fit that definition. Silencers lead to "reduced loudness (and reduced risk of hearing loss), lower recoil from the firearm, elimination of muzzle blast, increased accuracy, and faster follow-up shots."[6] Those are all

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680, 693 (2024) (quoting *United States v. Salerno,* 481 U.S. 739, 745 (1987)), and an application of § 5861(d) was upheld in *Peterson*, 161 F.4th at 341–42, Comeaux's facial challenge fails.

[5] The statute itself defines silencers as "firearms." *See* 26 U.S.C. § 5845(a) ("The term 'firearm' means . . . (7) any silencer"). But just as the government could not evade Second Amendment scrutiny by calling firearms something else, defendants cannot invoke the Second Amendment's protections just because Congress has defined a targeted item as a firearm. The government correctly notes that "statutory labels are controlling for statutory purposes but not for constitutional purposes." Comeaux must therefore rely on Supreme Court precedent and history, not statutory labels.

[6] Justin Stevens, *Reloading the Second Amendment: The Undue Burdens of the National Firearms Act and Their Remedies,* 49 TEX. TECH L. REV. 149, 164 (Online ed. 2017).

critical functions that make firearms both safer and more effective for their core lawful purpose of self-defense. Because silencers are used in self-defense "to cast at or strike another," they are Second Amendment "Arms."[7]

The government asserts that silencers are not "Arms" because, though useful, silencers are not necessary to the functioning of a gun and are not traditionally tied to militia service.[8] But claimants need not prove either of those factors to succeed.

First, *Bruen* explained that Second Amendment "Arms" need not be *necessary* for a firearm's functioning but instead must only "*facilitate* armed self-defense."[9] And second, the Supreme Court has cautioned lower courts against the trapped-in-amber approach that the government attempts to use by limiting the definition of "Arms" to those devices required for militia service at the Founding.[10]

Silencers are "Arms."

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[7] *See Heller*, 554 U.S. at 581; *see also Mock v. Garland*, 75 F.4th 563, 588 (5th Cir. 2023) (Willett, J., concurring) ("[P]rotected Second Amendment 'conduct' likely includes making common, safety-improving modifications to otherwise lawfully bearable arms.").

[8] In initial briefing, the government asserted that silencers are not protected by the plain text of the Second Amendment. The government now posits that silencers fall within the plain text of the Amendment not because they are "Arms" but because they are accessories to arms.

[9] *Bruen*, 597 U.S. at 28 (emphasis added); *see also Heller*, 554 U.S. at 629 (holding that it was irrelevant that the Distrct of Columbia's "handgun" ban allowed citizens to possess substitutes, such as "long guns").

[10] *See Rahimi*, 602 U.S. at 691 ("[T]he reach of the Second Amendment is not limited only to those arms that were in existence at the founding."); *Bruen*, 597 U.S. at 28 ("[E]ven though the Second Amendment's definition of "arms" is fixed according to its historical understanding, that general definition covers modern instruments that facilitate armed self-defense.").

2.

Though silencers are Second Amendment "Arms," § 5861(d) must implicate an individual's ability to "keep and bear" them in order to proceed to Step 2 of *Bruen*.

Under our rule of orderliness, we are bound by *Peterson*,[11] which requires a challenger to the NFA's shall-issue silencer-registration regime show that the system "has been 'put toward abusive ends' through 'exorbitant fees' or 'lengthy wait times in processing license applications.'" 161 F.4th at 340 (quoting *Bruen*, 597 U.S. at 38 n.9). But Comeaux fails in the same way as did Peterson. Comeaux claims that the NFA is unconstitutional as applied to him because he seeks to possess silencers for the lawful purpose of self-defense. But he does not in any way rebut the presumption that the NFA's shall-issue regime is lawful by asserting that it is being put "toward abusive ends." Thus, Comeaux "cannot overcome that presumption because the record does not reveal that the NFA has effectively denied him his Second Amendment rights." *See id.* at 341. His challenge fails at *Bruen* Step 1. *See id.*

* * * * *

Though silencers are Second Amendment "Arms," because Comeaux has not alleged that the NFA's shall-issue regime has been put toward abusive ends, he has not shown that § 5861(d) burdens his Second Amendment rights. The judgment of conviction is AFFIRMED.

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[11] *See United States v. Mitchell*, 160 F.4th 169, 187 (5th Cir. 2025), *petition for cert. filed* (Feb. 5, 2026) (No. 25-935).

EDITH BROWN CLEMENT, *Circuit Judge*, joined by DUNCAN, *Circuit Judge*, concurring.

The right to bear arms is a fundamental right, not a "second-class" one, that demands we show fidelity to the plain text of the Second Amendment and our Nation's history and tradition when reviewing challenges to firearm regulations. *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 70 (2022) (quoting *McDonald v. City of Chicago*, 561 U.S. 742, 780 (2012)). In *Bruen*, the Supreme Court eliminated any conceivable doubt about our proper method: History, not interest-balancing, must be our approach. As an intermediate appellate court, we must "interpret the meaning of the Constitution by examining its text and our Nation's historical tradition of firearm regulation under *Bruen*, while also adhering to our circuit precedent in this rapidly developing area of law." *United States v. Mitchell*, 160 F.4th 169, 194 (5th Cir. 2025), *petition for cert. filed* (Feb. 5, 2026) (No. 25-935). In executing this role, we rightly hold that silencers are protected "Arms" under the Second Amendment because they serve "critical functions that make firearms both safer and more effective for their core lawful purpose of self-defense." Thus, *lawful purpose*, not necessity, is the proper test when assessing whether firearm components, such as silencers, are entitled to constitutional protection. I gladly concur with this opinion.

I write separately to address a problem with our decision in *United States v. Peterson*, which held that *Bruen* imposes a "presumption of constitutionality for shall-issue licensing regimes." 161 F.4th 331, 341 (5th Cir. 2025), *cert. denied*, L. Ed. 2d 501 (2026). I join Judge Richardson of the Fourth Circuit in concluding that such a reading overextends *Bruen*'s dictum in footnote nine and, in turn, flips *Bruen*'s two-step analytical method on its head. *See Md. Shall Issue, Inc. v. Moore*, 116 F.4th 211, 240–41 (4th Cir. 2024) (en banc) (RICHARDSON, J., dissenting). *Peterson* ought to be revisited.

In footnote nine, the *Bruen* Court stated that "nothing in our analysis should be interpreted to suggest the unconstitutionality of the 43 States' 'shall-issue' licensing regimes." 597 U.S. at 38 n.9. But *Bruen* did not analyze a shall-issue regime. *Bruen* involved a challenge to New York's requirement that applicants show a special need for self-protection to obtain a license for public carry, which was a type of "may-issue" licensing law. *Id.* at 12–15.

Peterson embraced footnote nine with open arms and read it to establish the presumptive constitutionality of shall-issue licensing regimes. "But read in context," footnote nine's "role was much more modest," as it simply "clarified that shall-issue licensing regimes are not necessarily unconstitutional just because may-issue regimes are." *Md. Shall Issue, Inc.,* 116 F.4th at 242 (RICHARDSON, J., dissenting). *Bruen* did not resolve the shall-issue regime question, but rather "invited courts to independently assess the pedigree of shall-issue licensing regimes against the historical record." *Id.* Yet *Peterson* stripped this court of its ability to independently conduct a history and tradition inquiry in a separate case, therefore tying our hands and forcing challengers to rebut this presumption. In so doing, *Peterson* traded history for dictum. *See United States ex rel. Schutte v. SuperValu Inc.*, 598 U.S. 739, 755 n.6 (2023) (cautioning against "read[ing] a footnote" in an opinion to "establish the general rule" for a line of cases); *see also Brown v. Davenport*, 596 U.S. 118, 141 (2022) (urging against snagging "stray comments and stretch[ing] them beyond their context—all to justify an outcome inconsistent with th[e] Court's reasoning and judgments").

By transforming footnote nine's dictum into doctrine, *Peterson* erected a new "half-step" between Step One and Step Two. *United States v. Speed*, 175 F.4th 272, 291 (4th Cir. 2026) (RICHARDSON, J., concurring). This new half-step requires Comeaux to overcome the NFA's presumptive constitutionality by showing that the NFA "has been 'put toward abusive ends' through 'exorbitant fees' or 'lengthy wait times in processing license

applications.'" *Peterson*, 161 F.4th at 340 (quoting *Bruen*, 597 U.S. at 38 n.9). So, Comeaux's challenge fails—not because of history and tradition—but because he does not rebut the *presumption* that the NFA's shall-issue regime is lawful by asserting that it is being "put toward abusive ends." *Bruen*, 597 U.S. at 38 n.9. This rule is incompatible with *Bruen*'s two-step method.

In effect, *Peterson*'s pronouncement of this half-step resurrects a repudiated form of interest-balancing, as it now greenlights a court's assessment of a law's "abusiveness," which can bring a *Bruen* challenge to an end. But such interest-balancing provides cover for judicial policymaking.

Peterson problems therefore abound. While this Court is bound by the rule of orderliness, *see Mitchell*, 160 F.4th at 187, *Peterson* requires revisitation. I urge the en banc court to recalibrate our Second Amendment jurisprudence to reflect text, history, and tradition—not interest-balancing.

Accordingly, I concur.

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
July 28, 2026
Lyle W. Cayce
Clerk

No. 24-30307

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

BRENNAN JAMES COMEAUX,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 6:23-CR-183-1

ON PETITION FOR REHEARING EN BANC

Before SMITH, CLEMENT, and DUNCAN, *Circuit Judges*.

PER CURIAM:

Treating the petition for rehearing en banc as a petition for panel rehearing (5TH CIR. R. 40 I.O.P.), the petition for panel rehearing is DENIED. Because no member of the panel or judge in regular active service requested that the court be polled on rehearing en banc (FED. R. APP. P. 40 and 5TH CIR. R. 40), the petition for rehearing en banc is DENIED.

AO 245B (Rev. 09/19 - WDLA) Judgment in a Criminal Case
Sheet 1

UNITED STATES DISTRICT COURT

Western District of Louisiana

Lafayette Division

UNITED STATES OF AMERICA
v.
BRENNAN JAMES COMEAUX

JUDGMENT IN A CRIMINAL CASE

Case Number: 6:23-CR-00183-1

USM Number: 74711-510

Aaron Albert Adams
Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Indictment

☐ pleaded nolo contendere to count(s) _____ which was accepted by the court.

☐ was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
26 U.S.C. § 5861(d)	Possession Of Unregistered Firearms With Firearms Forfeiture Allegation	06/02/2022	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☒ Count 2 ☒ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

May 7, 2024
Date of Imposition of Judgment

David C Joseph
Signature of Judge

DAVID C. JOSEPH, United States District Judge
Name of Judge Title of Judge

May 7, 2024
Date

DEFENDANT: BRENNAN JAMES COMEAUX
CASE NUMBER: 6:23-CR-00183-1

IMPRISONMENT

Defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of**: 24 months as to Count 1,** with credit for time served in Federal custody, to be determined by the Bureau of Prisons. This sentence shall run CONCURRENT with pending charges filed in 16th Judicial District Court, Iberia Parish in Docket No. 2202-CR-824 and 2202-CR-828.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

_____

_____

_____

Defendant delivered on _____ to _____

at _____ , with a certified copy of this judgment.

_____
UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: BRENNAN JAMES COMEAUX
CASE NUMBER: 6:23-CR-00183-1

SUPERVISED RELEASE

Upon release from imprisonment, Defendant shall be on supervised release for a term of : **three (3) years.**

MANDATORY CONDITIONS (MC)

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
4. ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
5. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
6. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
7. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901,*et seq*.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
8. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*
9. ☐ The passport restriction imposed at the time of initial release is hereby suspended, and defendant's passport is ordered released to defendant's attorney. *(check if applicable)*
10. ☐ The passport restriction imposed at the time of initial release is continued, and defendant's passport is ordered transferred to the U. S. Department of State. *(check if applicable)*
11. You must comply with the standard conditions that have been adopted by this court as well as any other conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION (SC)

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U. S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____ Date _____

DEFENDANT: BRENNAN JAMES COMEAUX
CASE NUMBER: 6:23-CR-00183-1

SPECIAL CONDITIONS OF SUPERVISION (SP)

a. Defendant shall participate in an outpatient substance abuse treatment program under the guidance of the U.S. Probation Office and shall follow the rules and regulations of that program. Defendant shall submit to drug testing as directed by the treatment facility and Probation Officer during the term of supervision. Defendant shall contribute to the cost of the treatment program in accordance with his ability to pay.
b. Defendant shall submit to substance abuse testing as directed by the Probation Office and shall not attempt to obstruct or tamper with testing methods.
c. Defendant shall participate in mental health treatment program under the guidance of the U.S. Probation Office and follow the rules and regulations of that program. Defendant shall contribute to the cost of the treatment program in accordance with his ability to pay.

DEFENDANT: BRENNAN JAMES COMEAUX
CASE NUMBER: 6:23-CR-00183-1

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	Assessment	Restitution	Fine	AVAA Assessment*	JVTA Assessment**
TOTALS	$100.00	$.00	$.00	$.00	$.00

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

☐ Restitution amount ordered pursuant to plea agreement $ _____

☐ The defendant must pay interest on restitution and a fine of more than $2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and/or penalties and it is ordered that:

☐ the interest and/or ☐ penalty requirement is waived for the ☐ fine ☐ restitution.

☐ the interest and/or ☐ penalty requirement for the ☐ fine ☐ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299..
** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.
*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: BRENNAN JAMES COMEAUX
CASE NUMBER: 6:23-CR-00183-1

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

A ☒ Lump sum payment of $ 100.00 due immediately, or

☐ not later than _____, or
☒ in accordance ☐ C, ☐ D, ☐ E, or ☒ F below; or

B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or

C ☐ Payment in equal _____ *(e.g., weekly, monthly, quarterly)* installments of $ _____ over a period of _____ *(e.g., months or years)*, to commence _____ *(e.g., 30 or 60 days)* after the date of this judgment; or

D ☐ Payment in equal _____ *(e.g., weekly, monthly, quarterly)* installments of $ _____ over a period of _____ *(e.g., months or years)*, to commence _____ *(e.g., 30 or 60 days)* after release from imprisonment to a term of supervision; or

E ☐ Payment during the term of supervised release will commence within _____ *(e.g., 30 or 60 days)* after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F ☐ Special instructions regarding the payment of criminal monetary penalties:

The Court orders that any federal income tax refund payable to the defendant from the Internal Revenue Service will be turned over to the Clerk of Court and applied toward any outstanding balance with regard to the outstanding financial obligations ordered by the Court.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court, or, unless ordered otherwise, criminal debt payments may be made online at www.lawd.uscourts.gov/fees.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several
☐Defendant and Co-Defendant Names and Case Numbers *(including defendant number)*, Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐The Court gives notice this case involves other defendants who may be held jointly and several liable for payment of all or part of the restitution ordered herein and may order such payment in the future.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☒ The defendant shall forfeit the defendant's interest in the following property to the United States:
1 – two silver firearm silencers; 2 – three black firearm silencers and 3 - ammunition

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.