

**IN THE
SUPREME COURT OF THE UNITED STATES**

No. ____

CALEB BARNETT; BRIAN NORMAN; HOOD’S GUNS & MORE; PRO GUN & INDOOR
RANGE; NATIONAL SHOOTING SPORTS FOUNDATION, INC., DANE HARREL; C4 GUN
STORE, LLC; MARENGO GUNS, INC.; ILLINOIS STATE RIFLE ASSOCIATION; FIREARMS
POLICY COALITION; SECOND AMENDMENT FOUNDATION; JEREMY W. LANGLEY;
TIMOTHY B. JONES; MATTHEW WILSON; FEDERAL FIREARMS LICENSEES OF ILLINOIS;
GUNS SAVE LIFE; GUN OWNERS OF AMERICA; GUN OWNERS FOUNDATION; PIASA
ARMORY; JASMINE YOUNG; AND CHRIS MOORE,

Applicants,

v.

KWAME RAOUL, in his official capacity as the Attorney General of the State of
Illinois; BRENDON F. KELLY, Director of the Illinois State Police,

Respondents.

**APPLICATION TO THE HON. AMY CONEY BARRETT
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT**

Pursuant to Supreme Court Rule 13(5), Caleb Barnett, Brian Norman, Hood’s
Guns & More, Pro Gun & Indoor Range, the National Shooting Sports Foundation,
Inc., Dane Harrel, C4 Gun Store, LLC, Marengo Guns, Inc., Illinois State Rifle
Association, Firearms Policy Coalition, Second Amendment Foundation, Jeremy W.
Langley, Timothy B. Jones, Matthew Wilson, Federal Firearms Licensees of Illinois,
Guns Save Life, Gun Owners of America, Gun Owners Foundation, Piasa Armory,
Jasmine Young, and Chris Moore (hereafter, collectively, “Applicants”), hereby move
for an extension of time of 30 days, to and including November 6, 2026, for the filing

of a petition for a writ of certiorari. Unless an extension is granted, the deadline for filing the petition for certiorari will be October 7, 2026.

In support of this request, Applicants state as follows:

1. The United States Court of Appeals for the Seventh Circuit rendered its decision on July 9, 2026 (Exhibit 1). This Court has jurisdiction under 28 U.S.C. §1254(1).

2. This case involves Illinois’ sweeping, criminal prohibition on scores of common arms typically used for lawful purposes, including nearly every single semiautomatic rifle on the market, scores of common semiautomatic handguns, numerous shotguns, plus standard-issue (and standard-capacity) ammunition magazines.

3. Mere months after this Court reiterated in *Bruen* that “the Second Amendment protects the possession and use of weapons that are ‘in common use,’” *N.Y. State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1, 21 (2022) (quoting *District of Columbia v. Heller*, 554 U.S. 570, 627 (2008)), Illinois responded with defiance. Rather than revise and retrench pre-existing restrictions, Illinois newly made it “unlawful for any person within this State to” (among other things) “manufacture, ... sell, ... or purchase ... an assault weapon,” 720 ILCS 5/24-1.9(b)—a category defined exceptionally broadly, to include not only the AR-15 and essentially every semiautomatic rifle on the market, but scores of other common arms—in addition to any ammunition magazines with “a capacity of ... more than 10 rounds ... for long guns and more than 15 rounds ... for handguns,” 720 ILCS 5/24-1.10(a)(1).

4. Fearing imprisonment for their once-lawful possession and sale of commonly owned arms, Applicants—who are individuals, retailers, and firearm industry organizations—sued the Attorney General of the State of Illinois and the Director of the Illinois State Police, as well as various local enforcement officials. The district court granted a preliminary injunction, holding the law unconstitutional under *Bruen*. *Barnett v. Raoul*, 671 F.Supp.3d 928 (S.D. Ill. 2023). A divided panel of the Seventh Circuit reversed in *Bevis v. City of Naperville*, 85 F.4th 1175 (7th Cir. 2023), and this Court denied certiorari in *Harrel v. Raoul*, 144 S.Ct. 2491 (2024), before ultimately granting certiorari in *Viramontes v. Cook County*, No. 25-238 (U.S. granted June 30, 2026), which explicitly relied upon *Bevis*.

5. Respecting the earlier denial of certiorari regarding *Bevis* in the prior round of this litigation, Justice Thomas stated that “if the Seventh Circuit ultimately allows Illinois to ban America’s most common civilian rifle, [the Court] can—and should—review that decision once the cases reach a final judgment.” *Harrel*, 144 S.Ct. at 2493.

6. After the denial of certiorari, this case returned to the district court on remand from *Bevis*. Consistent with *Bevis*’s marching orders, Applicants participated in broad discovery and a week-long bench trial. The district court subsequently issued final judgment for Applicants, declaring that HB5471’s ban on common arms violates the Second Amendment and enjoining respondents from enforcing it. *Barnett v. Raoul*, 756 F.Supp.3d 564 (S.D. Ill. 2024).

7. A divided panel of the Seventh Circuit again reversed. *Barnett v. Raoul*, 180 F.4th 1035 (7th Cir. 2026). At the threshold, the majority (mis)construed Applicants’ challenge as limited to the ban on AR-15s and 30-round rifle magazines—even though Applicants had developed an extensive record concerning the ban’s unconstitutionality as applied to the many other rifles, “pistols[,] and shotguns” “that the Act defines as assault weapons,” as well as magazines that hold fewer than 30 rounds but nonetheless are banned by Illinois’s law. *Id.* at 1044-1045 & n.7. After that inauspicious start, the majority “assume[d]” without deciding that AR-15s and their standard 30-plus-round magazines are “‘Arms’ under *Bevis*, such that their possession is presumptively entitled to constitutional protection, and move[d] to *Bruen*’s second step”—to consider whether HB5471 is consistent with our Nation’s history and tradition of firearms regulation. *Id.* at 1046. The majority did not, however, identify any historical tradition of flatly banning arms commonly owned by law-abiding citizens for lawful purposes (because there is none). Instead, the majority acknowledged that “AR-15s are ‘both widely legal and bought by many ordinary consumers.’” *Id.* at 1054 (quoting *Smith & Wesson Brands, Inc. v. Estados Unidos Mexicanos*, 605 U.S. 280, 297 (2025)). But, as in *Bevis*, it “decline[d] to base [its] assessment of the constitutionality of [the Act] on” the common-use tradition, deriding it as illogical and irrelevant. *See id.* (quoting *Bevis*, 85 F.4th at 1198-99).

8. So rather than hold that the lack of a tradition of banning common arms that have been around for over a century means that the Act is unconstitutional, *see Bruen*, 597 U.S. at 28-30, the majority divined a longstanding historical tradition of

firearms regulation permitting state legislatures to ban any and all arms that they deem too dangerous and too lethal for law-abiding citizens to keep and bear. *See Barnett*, 180 F.4th at 1046-56. The “leading example[s] of th[at] tradition,” according to the majority, were nineteenth-century regulations restricting the “carry” or “concealed carry” of “Bowie-knives,” and laws placing “burdensome ... taxes” on their sale. *Id.* at 1047-50. The majority then concluded that banning AR-15s and their standard magazines imposed no meaningful burden on the ability of Illinois residents to defend themselves, reasoning that no one needs an AR-15 (which the majority equated to an M-16), or more than 2.2 rounds, for self-defense. *Id.* at 1051-54. The majority concluded by finding that the “more nuanced approach” to its analogical reasoning required in the face of “[t]he dramatic technological change embodied in AR-15s equipped with large-capacity magazines,” “reinforced” its conclusion that HB5471’s ban on AR-15s and their standard magazines is consistent with the Second Amendment. *Id.* at 1055.

9. Chief Judge Brennan dissented. As he explained, the majority’s decision to bless Illinois’s ban “cannot be reconciled with the ‘common use’ test as applied in [*Heller*]” and “is not supported by the historical record,” much less the “trial record,” which was the “most comprehensive ... in any Second Amendment case to date.” *Id.* at 1059 (Brennan, J., dissenting). “Because *the people* have overwhelmingly chosen the AR-15 rifle and its magazine as their weapon of choice,” Judge Brennan reasoned, “they are protected by the Second Amendment,” consistent with “[o]ur Nation’s

enduring traditions” which “forbid governments from prohibiting firearms commonly owned for self-defense.” *Id.*

10. Applicants anticipate filing a petition that demonstrates the profound error in the Seventh Circuit’s divided decision, which conflicts with a recent decision of en banc Third Circuit. The Seventh Circuit expressly refused to engage with the principal question under that precedent—whether the “plain text covers [the] conduct” that the challenged law restricts. *Bruen*, 597 U.S. at 17; *see Wolford v. Lopez*, 146 S.Ct. 2032, 2043 (2026) (noting that the first question “in a Second Amendment case” is always “whether the law before [the Court] clashes with the ‘plain text’ of the Amendment’s language.”). And it openly rejected this Court’s common-use test, which prohibits bans on arms “‘in common use’ today.” *Bruen*, 597 U.S. at 32 (quoting *Heller*, 554 U.S. at 627). Making matters worse, the Seventh Circuit ignored this Court’s admonition in *Bruen* that it is *the government*, not the citizen, that bears the burden to “justify its regulation by demonstrating that it is consistent with the Nation’s historical tradition of firearm regulation.” *Id.* at 24; *see also United States v. Hemani*, 608 U.S. 772, 779-80 (2026). The decision below—much like the decision in *Viramontes*—defies rather than applies the Second Amendment.

11. Because this Court’s decision on plenary review of the Seventh Circuit’s *Viramontes* decision is likely to prove outcome-determinative for much if not all of the Seventh Circuit’s decision here, Applicants understand that the petition in this case will likely be held pending the resolution of *Viramontes*, and intend to file a petition that is consistent with that posture. That said, because the decision below here

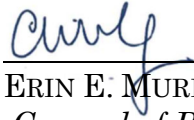
sweeps more broadly, the petition also likely will present additional issues that may not be covered by the opinion in *Viramontes*.

12. Applicants' counsel require additional time to prepare a petition that fully address the important issues raised by the decision below in a manner that will be most helpful to the Court.

13. Applicants' counsel also have substantial briefing and argument obligations between now and October 7, 2026 including but not limited to a motion for summary judgment in *Ocean State Tactical, LLC v. Rhode Island*, No. 22-cv-00246 (D.R.I.), due September 21, 2026; a reply brief in *PhRMA v. Raoul*, No. 26-cv-09522 (N.D. Ill.), due September 23, 2026; a reply in support of certiorari in *BMG Rights Management v. Vetter*, No. 25-1391 (U.S.), on September 30, 2026; an opposition brief in *Hunt v. S.O.S.*, No. 25-cv-200 (N.D. Tex.), due September 30, 2026; a reply in support of certiorari in *GEO Group v. Ferguson*, No. 26-71 (U.S.), on September 30, 2026; and a reply to a petition for a writ of certiorari in *Casillas-Huaracha v. Blanche*, No. 26-113 (U.S.), due October 7, 2026.

WHEREFORE, for the foregoing reasons, Applicants request that an extension of time to and including November 6, 2026, be granted within which Applicants may file a petition for a writ of certiorari.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Erin E. Murphy", is positioned above a horizontal line.

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