

(ORDER LIST: 577 U.S.)

MONDAY, DECEMBER 7, 2015

**CERTIORARI -- SUMMARY DISPOSITION**

15-24 FRANCE, GARY L. V. UNITED STATES

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Seventh Circuit for further consideration in light of the confession of error by the Solicitor General in his brief for the United States filed on November 6, 2015.

**ORDERS IN PENDING CASES**

15A458 SORENSEN, JEROLD R. V. UNITED STATES  
(15-595)

The application for stay addressed to The Chief Justice and referred to the Court is denied.

15A479 WILKERSON, MARY V. UNITED STATES

The application for release on bond pending appeal addressed to Justice Ginsburg and referred to the Court is denied.

15M61 HARDY, DAVID V. BIRKETT, WARDEN

15M62 WILKINSON, REGINALD V. GEO GROUP, INC., ET AL.

The motions to direct the Clerk to file petitions for writs of certiorari out of time are denied.

15-5527 KEARNEY, RICHARD V. NY DOC, ET AL.

15-5748 CAMPBELL, JAMES B. V. JONES, SEC., FL DOC

15-5767 COLLIE, CYNTHIA E. V. SC COMMISSION ON LAWYER CONDUCT

15-6027 HOWELL, BURL A. V. UNITED STATES

The motions of petitioners for reconsideration of orders

denying leave to proceed *in forma pauperis* are denied.

15-6370 JACKSON, BILL D. V. WHITE, JESSE, ET AL.

15-6806 DIXON, ADDIE E. V. McDONALD, SEC. OF VA

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until December 28, 2015, within which to pay the docketing fees required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

**CERTIORARI DENIED**

14-1391 BOWDEN, BOBBY E. V. NORTH CAROLINA

14-9299 MARSHALL, ANDREW V. BUREAU OF PRISONS

14-10447 FRIES, TODD R. V. UNITED STATES

15-65 LIZCANO, JUAN V. TEXAS

15-147 SULLIVAN, BRIAN T. V. GLENN, MICHAEL R., ET UX.

15-210 GEOFFREY, LORRIE V. GEOFFREY, BRYAN

15-245 MANN, STEWART C. V. UNITED STATES

15-270 SMILEY, ALLENA B. V. HARTFORD LIFE, ET AL.

15-272 HAWKINS, CHARLES J. V. JPMORGAN CHASE BANK

15-381 FIVETECH TECHNOLOGY INC. V. SOUTHCO, INC.

15-384 SITKA ENTERPRISES, INC., ET AL. V. MIRANDA, WILFREDO S., ET AL.

15-385 BOND, FREDERICK O. V. HOLDER, ERIC H., ET AL.

15-389 DICKY, JAMES V. BOSTON INSPECTIONAL SERVICES

15-390 ING, TONY V. LEE, THOMAS

15-394 CUNDA, JOSE S. V. BANK OF NEW YORK MELLON

15-396 ROUSE, AMBROSIO V. II-VI INC., ET AL.

15-397 RACZ, JOHN V. KNIPP, WARDEN

15-398 PETRELLA, DIANE, ET AL. V. BROWNBACK, GOV. OF KS, ET AL.

15-407 VILLEGAS, JOHN E., ET AL. V. SCHMIDT, MICHAEL B.

15-408 LIPIN, JOAN C. V. DANSKE BANK, ET AL.  
15-418 WYNN, DEBORAH J. V. CALLAN APPRAISAL INC., ET AL.  
15-422 JONES, LAVERNE, ET AL. V. DANCEL, BERNALDO, ET AL.  
15-426 EVANS, NATHALEE, ET AL. V. McCULLOUGH, THOMAS B., ET AL.  
15-431 HUNN, MARSHALL V. WILSON HOMES INC., ET AL.  
15-433 CRIDER, ROBERT J. V. TEXAS  
15-441 HILL, THOMAS V. CURTIN, WARDEN  
15-455 ASKEW, DIRK, ET UX. V. UNITED STATES  
15-462 WENTHE, CHRISTOPHER T. V. MINNESOTA  
15-542 KATZ, MICHAEL A. V. CELLCO PARTNERSHIP  
15-5043 GUTIERREZ, RICARDO J. V. UNITED STATES  
15-5147 LARA-RUIZ, GILBERTO V. UNITED STATES  
15-5149 MAKI, ALLEN V. ANDERSON, BEVERLY, ET AL.  
15-5635 STEPHENS, RENEE V. NIKE, INC.  
15-5740 RAYFORD, WILLIAM E. V. STEPHENS, DIR., TX DCJ  
15-5886 PICKENS, MARK V. OHIO  
15-5940 GONZALES, RAMIRO F. V. STEPHENS, DIR., TX DCJ  
15-5958 PLASCENCIA-ACOSTA, GABRIEL V. UNITED STATES  
15-5964 RODRIGUEZ-RODRIGUEZ, BENJAMIN V. UNITED STATES  
15-6282 ROBERSON, ROBERT L. V. STEPHEN, DIR., TX DCJ  
15-6344 PARKER, WILLIAM R. V. TEXAS  
15-6346 ESCAMILLA, GEORGE V. ESCAMILLA, KATHLEEN T., ET AL.  
15-6352 TRAYLOR, ANDRE D. V. McLAUGHLIN, WARDEN  
15-6354 LEACH, NADINE V. NEW YORK  
15-6358 ROBLES, ADRIAN V. CALIFORNIA  
15-6364 HUDSON, BIVEN V. UNITED STATES  
15-6369 WAGNER, SHERMAN O. V. BURT, WARDEN  
15-6386 HUBBARD, RODNEY A. V. WOODS, WARDEN

15-6389 HEGEWALD, MICHAEL V. GLEBE, PAT  
15-6390 GOODMAN, KEITH D. V. CLARKE, DIR., VA DOC, ET AL.  
15-6391 GU, ALEX V. PRESENCE SAINT JOSEPH, ET AL.  
15-6394 McBRIDE, DEWEY L. V. ARIZONA  
15-6395 DAVIS, DERRICK D. V. PAT THOMAS, ET AL.  
15-6405 BERNIER, REJEANNE M. V. COURT OF APPEAL OF CA, ET AL.  
15-6410 VILLA, MANUEL V. CALIFORNIA  
15-6411 TOWERY, DOSHEE S. V. STEPHENS, DIR., TX DCJ  
15-6412 REID, MICHAEL J. V. FLORIDA  
15-6421 TITTLE, TYRONE V. CALIFORNIA  
15-6423 REDMAN, EARLA G. V. NY DOC, ET AL  
15-6427 LASCHKEWITSCH, JOHN B. V. RELIASTAR LIFE INSURANCE COMPANY  
15-6436 ADAMS, NOEL W. V. LYNCH, ATT'Y GEN.  
15-6453 GONZALES, HENRY V. TEXAS  
15-6465 BERNIER, REJEANNE V. COURT OF APPEAL OF CA, ET AL.  
15-6474 GOUCH-ONASSIS, DEBORAH E. V. UNITED STATES  
15-6477 ROBINSON, ALFRED V. COLVIN, ACTING COMM'R, SOCIAL  
15-6486 GOMEZ, NEXIS R. V. GIPSON, WARDEN  
15-6498 MEDRANO, ANGEL V. RYAN, DIR., AZ DOC, ET AL.  
15-6530 McNEW, MICHAEL A. V. TIBBALS, WARDEN  
15-6533 PALOMAR, ARTURO F. V. BARNES, WARDEN  
15-6534 PAPPAS, MARKOS N. V. UNITED STATES  
15-6542 WHITE, CHARLES P. V. INDIANA  
15-6546 ROSADO, ELIAS V. JONES, SEC. FL DOC, ET AL.  
15-6547 SILVA, CARLOS J. V. LYNCH, ATT'Y GEN.  
15-6576 PEDERSEN, JEFFERY V. RICHARDSON, WARDEN  
15-6639 PUENTES, BENJAMIN V. SANTA CLARA COUNTY, CA, ET AL.  
15-6652 ROBINSON, FRED V. UNITED STATES

15-6676 HUTCHESON, SCOTT B. V. UNITED STATES  
15-6692 ROSE, CHE V. UNITED STATES  
15-6707 NWAFOR, LEONARD U. V. UNITED STATES  
15-6715 HARDIN, DAVID L. V. UNITED STATES  
15-6720 HOSSEINI, AMIR V. UNITED STATES  
15-6721 GUAJARDO, FRANK Z. V. McDONALD, SEC. OF VA  
15-6726 GRIFFIN, KANDACE R. V. UNITED STATES  
15-6727 MEDRANO, NOE F. V. UNITED STATES  
15-6728 PAPPAS, MARKOS V. ZICKEFOOSE, WARDEN  
15-6729 GARCIA-ROSAS, JULIO C. V. UNITED STATES  
15-6732 ALLEN, LESLIE D. V. UNITED STATES  
15-6736 CRUELL, MAURICE X. V. UNITED STATES  
15-6737 TRAN, JESSICA L. V. UNITED STATES  
15-6739 BURGOS-MONTES, EDISON V. UNITED STATES  
15-6741 DIAZ, JUAN V. UNITED STATES  
15-6742 PERKINS, JEAN-DANIEL V. UNITED STATES  
15-6744 ROSALES, PEDRO V. UNITED STATES  
15-6749 LOHSE, DARRAN V. UNITED STATES  
15-6752 MOORE, SAMUEL J. V. UNITED STATES  
15-6770 VICKERS, DONALD V. JONES, SEC., FL DOC, ET AL.  
15-6771 SANDELIER, THOMAS A. V. FLORIDA  
15-6772 COLLINS, RUSSELL L. V. UNITED STATES  
15-6773 JOHNSON, ERNEST L. V. LOMBARDI, GEORGE A., ET AL.  
15-6775 MAURICIO-TRUJILLO, PEDRO V. UNITED STATES  
15-6776 MEDLOCK, KATHY V. UNITED STATES  
15-6777 KRAEGER, KENNETH V. UNITED STATES  
15-6780 CAMICK, LESLIE L. V. UNITED STATES  
15-6781 SALAZAR-ESPINOZA, MANUEL V. HASTINGS, WARDEN

15-6782 JOHNSON, ERNEST L. V. GRIFFITH, WARDEN  
15-6785 CALAIS, DWAYNE V. UNITED STATES  
15-6787 RASHID, AMIN A. V. ORTIZ, WARDEN  
15-6791 MOORE, LEONARD V. UNITED STATES  
15-6795 TURNER, HAYZEN V. UNITED STATES  
15-6799 CIPRA, DONALD P. V. UNITED STATES  
15-6800 ARMENTA-AGUILAR, EFRAIN V. UNITED STATES  
15-6803 JACKMAN, DONALD G. V. UNITED STATES  
15-6804 BROWN, JAKOTA R., ET AL. V. UNITED STATES  
15-6818 WOOLSEY, CHARLES M. V. UNITED STATES  
15-6819 WADLEY, LODISE V. FARLEY, WARDEN  
15-6820 YOUNG, MYRON V. UNITED STATES  
15-6838 WILLIAMS, JEFFREY D. V. UNITED STATES  
15-6842 SHELIKHOVA, IRINA V. UNITED STATES  
15-6844 BUTLER, JAMES V. UNITED STATES  
15-6848 ROSALES-VELASQUEZ, ADELMO I. V. UNITED STATES  
15-6850 LINDSEY, ROBERT V. UNITED STATES  
15-6851 LOPEZ-VENCES, PORFIRIO V. UNITED STATES  
15-6854 MONTERO-ORNELAS, RICARDO V. UNITED STATES  
15-6855 NINO-GUERERRO, RUBEN V. UNITED STATES

The petitions for writs of certiorari are denied.

15-416 MICHIGAN V. LOCKRIDGE, RAHIM O.

The motion of respondent for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is denied.

15-471 ENERGY & ENVIRONMENT LEGAL INST. V. EPEL, JOSHUA, ET AL.

The motion of Pacific Legal Foundation, et al. for leave to file a brief as *amici curiae* is granted. The motion of Chamber

of Commerce of the United States of America, et al. for leave to file a brief as *amici curiae* is granted. The motion of Association des Eleveurs de Canards et d'Oies du Quebec, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

15-6373 LANCASTER, CHARLES C. V. TEXAS

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

15-6735 BARNETT, TRACY A. V. MAYE, WARDEN

15-6758 WARREN, JOHNNY S. V. UNITED STATES

15-6826 LORA, WILFREDO G. V. UNITED STATES

The petitions for writs of certiorari are denied. Justice Kagan took no part in the consideration or decision of these petitions.

#### **HABEAS CORPUS DENIED**

15-6931 IN RE GEORGE H. GAGE

15-6955 IN RE JOHN H. JONES

15-6972 IN RE MARVIN GREEN

The petitions for writs of habeas corpus are denied.

15-6807 IN RE WILFREDO G. LORA

The petition for a writ of habeas corpus is denied. Justice

Kagan took no part in the consideration or decision of this petition.

**MANDAMUS DENIED**

15-6398 IN RE OTIS F. ERVIN

The petition for a writ of mandamus is denied.

**REHEARINGS DENIED**

14-8863 DEBOLT, GARY R. V. UNITED STATES  
14-9429 HAMMONDS, ANTHONY D. V. BO'S FOOD STORE  
14-9590 J. D. T. V. UNITED STATES  
14-9691 RODARTE, JOHN E. V. STEPHENS, DIR., TX DCJ  
14-9742 ELAM, JOHN K. V. PASTRANA, WARDEN  
14-9841 DOUGHERTY, ROBERT W. V. PRUETT, WARDEN  
14-9853 MEDLEY, CLIFFORD V. STEPHENS, DIR., TX DCJ  
14-9943 TAPP, SEAN V. ECKARD, SUPT., HUNTINGDON  
14-10258 CHEEK, LINDA S. V. UNITED STATES  
14-10281 TURNER, RAY V. STEWARD, WARDEN  
14-10328 JONES, ARDELIA V. NUTTALL AFC COMPANY, ET AL.  
14-10420 IN RE COREY ROWE  
14-10444 TALLEY, JAMES V. SIMANDLE, CHIEF JUDGE, USDC NJ  
15-53 CARPENTER, DANIEL E. V. UNITED STATES  
15-112 SKIPP-TITTLE, SUSAN V. TITTLE, SHAWN  
15-160 SENCI, ALBA N. V. BANK OF NEW YORK MELLON  
15-171 DeFAZIO, JAMES P., ET AL. V. HOLLISTER, INC., ET AL.  
15-279 SONE, KENSHO, ET AL. V. HARVEST NATURAL RESOURCES, INC.  
15-5157 KELLY, ANTHONY V. BISHOP, WARDEN, ET AL.  
15-5362 CRAYTON, FREDDIE V. FLORIDA  
15-5478 JONES, CLAUDE V. V. CARTLEDGE, WARDEN  
15-5479 FISHER, TWANA V. IRONTON, OH



15-5541 BRAMAGE, WALTER J. V. DISCOVER BANK  
15-5590 MOODY, PAULINE V. DELRAY BEACH, FL, ET AL.  
15-5747 CLUGSTON, CHARLES T. V. BATISTA, DIR., MT DOC, ET AL.  
15-5911 LINDOR, JEAN M. V. UNITED STATES  
15-5975 JHA, MANOJ K. V. UNITED STATES  
15-6047 CARDENAS, JULIO C. V. UNITED STATES

The petitions for rehearing are denied.

**ATTORNEY DISCIPLINE**

D-2857 IN THE MATTER OF DISCIPLINE OF LUIGI ROSABIANCA

Luigi Rosabianca, of New York, New York, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2858 IN THE MATTER OF DISCIPLINE OF MICHAEL S. SEPCICH

Michael S. Sepcich, of Metairie, Louisiana, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2859 IN THE MATTER OF DISCIPLINE OF WILLIAM JENNINGS JEFFERSON

William Jennings Jefferson, of New Orleans, Louisiana, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2860 IN THE MATTER OF DISCIPLINE OF ALAN JOHN ABADIE

Alan John Abadie, of Chalmette, Louisiana, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he

should not be disbarred from the practice of law in this Court.

D-2861 IN THE MATTER OF DISCIPLINE OF SHAUNTESE CURRY TRYE

Shauntesse Curry Trye, of Baltimore, Maryland, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring her to show cause why she should not be disbarred from the practice of law in this Court.

D-2862 IN THE MATTER OF DISCIPLINE OF GERRY G. ZOBRIST

Gerry G. Zobrist, of Las Vegas, Nevada, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2863 IN THE MATTER OF DISCIPLINE OF JOHN J. KORESKO, V

John J. Koresko, V, of Bridgeport, Pennsylvania, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2864 IN THE MATTER OF DISCIPLINE OF DONALD P. ROSEN

Donald P. Rosen, of Carpentersville, Illinois, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2865 IN THE MATTER OF DISCIPLINE OF DANIEL ROZENSTRAUCH

Daniel Rozenstrauch, of Chicago, Illinois, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2866 IN THE MATTER OF DISCIPLINE OF DAVID E. NEELY

David E. Neely, of Chicago, Illinois, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2867 IN THE MATTER OF DISCIPLINE OF CARLA RUTH McBEATH

Carla Ruth McBeath, of Fort Lee, New Jersey, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring her to show cause why she should not be disbarred from the practice of law in this Court.

D-2868 IN THE MATTER OF DISCIPLINE OF CHERYL ROSE BRAWLEY

Cheryl Rose Brawley, of Honolulu, Hawaii, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring her to show cause why she should not be disbarred from the practice of law in this Court.

THOMAS, J., dissenting

**SUPREME COURT OF THE UNITED STATES**

ARIE S. FRIEDMAN, ET AL. *v.* CITY OF  
HIGHLAND PARK, ILLINOIS

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

No. 15–133. Decided December 7, 2015

The petition for a writ of certiorari is denied.

JUSTICE THOMAS, with whom JUSTICE SCALIA joins, dissenting from the denial of certiorari.

“[O]ur central holding in” *District of Columbia v. Heller*, 554 U. S. 570 (2008), was “that the Second Amendment protects a personal right to keep and bear arms for lawful purposes, most notably for self-defense within the home.” *McDonald v. Chicago*, 561 U. S. 742, 780 (2010) (plurality opinion). And in *McDonald*, we recognized that the Second Amendment applies fully against the States as well as the Federal Government. *Id.*, at 750; *id.*, at 805 (THOMAS, J., concurring in part and concurring in judgment).

Despite these holdings, several Courts of Appeals—including the Court of Appeals for the Seventh Circuit in the decision below—have upheld categorical bans on firearms that millions of Americans commonly own for lawful purposes. See 784 F. 3d 406, 410–412 (2015). Because noncompliance with our Second Amendment precedents warrants this Court’s attention as much as any of our precedents, I would grant certiorari in this case.

I

The City of Highland Park, Illinois, bans manufacturing, selling, giving, lending, acquiring, or possessing many of the most commonly owned semiautomatic firearms, which the City branded “Assault Weapons.” See Highland Park, Ill., City Code §§136.001(C), 136.005 (2015), App. to Pet. for Cert. 65a, 71a. For instance, the ordinance crimi-

THOMAS, J., dissenting

nalizes modern sporting rifles (*e.g.*, AR-style semiautomatic rifles), which many Americans own for lawful purposes like self-defense, hunting, and target shooting. The City also prohibited “Large Capacity Magazines,” a term the City used to refer to nearly all ammunition feeding devices that “accept more than ten rounds.” §136.001(G), *id.*, at 70a.

The City gave anyone who legally possessed “an Assault Weapon or Large Capacity Magazine” 60 days to move these items outside city limits, disable them, or surrender them for destruction. §136.020, *id.*, at 73a. Anyone who violates the ordinance can be imprisoned for up to six months, fined up to \$1,000, or both. §136.999, *id.*, at 74a.

Petitioners—a Highland Park resident who sought to keep now-prohibited firearms and magazines to defend his home, and an advocacy organization—brought a suit to enjoin the ordinance on the ground that it violates the Second Amendment. The District Court for the Northern District of Illinois granted summary judgment to the City.

A divided panel of the Seventh Circuit affirmed. The panel majority acknowledged that the prohibited weapons “can be beneficial for self-defense because they are lighter than many rifles and less dangerous per shot than larger-caliber pistols or revolvers,” and thus “[h]ouseholders too frightened or infirm to aim carefully may be able to wield them more effectively.” 784 F. 3d, at 411.

The majority nonetheless found no constitutional problem with the ordinance. It recognized that *Heller* “holds that a law banning the possession of handguns in the home . . . violates” the Second Amendment. 784 F. 3d, at 407. But beyond *Heller*’s rejection of banning handguns in the home, the majority believed, *Heller* and *McDonald* “leave matters open” on the scope of the Second Amendment. 784 F. 3d, at 412. The majority thus adopted a new test for gauging the constitutionality of bans on firearms: “[W]e [will] ask whether a regulation bans weapons that

THOMAS, J., dissenting

were common at the time of ratification or those that have some reasonable relationship to the preservation or efficiency of a well regulated militia, . . . and whether law-abiding citizens retain adequate means of self-defense.” *Id.*, at 410 (internal quotation marks omitted).

Judge Manion dissented, reasoning that “[b]oth the ordinance and this court’s opinion upholding it are directly at odds with the central holdings of *Heller* and *McDonald*.” *Id.*, at 412.

## II

The Second Amendment provides: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” We explained in *Heller* and *McDonald* that the Second Amendment “guarantee[s] the individual right to possess and carry weapons in case of confrontation.” *Heller, supra*, at 592; see also *McDonald, supra*, at 767–769. We excluded from protection only “those weapons not typically possessed by law-abiding citizens for lawful purposes.” *Heller*, 554 U. S., at 625. And we stressed that “[t]he very enumeration of the right takes out of the hands of government—even the Third Branch of Government—the power to decide on a case-by-case basis whether the right is really worth insisting upon.” *Id.*, at 634 (emphasis deleted).

Instead of adhering to our reasoning in *Heller*, the Seventh Circuit limited *Heller* to its facts, and read *Heller* to forbid only total bans on handguns used for self-defense in the home. See 784 F. 3d, at 407, 412. All other questions about the Second Amendment, the Seventh Circuit concluded, should be defined by “the political process and scholarly debate.” *Id.*, at 412. But *Heller* repudiates that approach. We explained in *Heller* that “since th[e] case represent[ed] this Court’s first in-depth examination of the Second Amendment, one should not expect it to clarify

THOMAS, J., dissenting

the entire field.” 554 U. S., at 635. We cautioned courts against leaving the rest of the field to the legislative process: “Constitutional rights are enshrined with the scope they were understood to have when the people adopted them, whether or not future legislatures or (yes) even future judges think that scope too broad.” *Id.*, at 634–635.

Based on its crabbed reading of *Heller*, the Seventh Circuit felt free to adopt a test for assessing firearm bans that eviscerates many of the protections recognized in *Heller* and *McDonald*. The court asked in the first instance whether the banned firearms “were common at the time of ratification” in 1791. 784 F. 3d, at 410. But we said in *Heller* that “the 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.” 554 U. S., at 582.

The Seventh Circuit alternatively asked whether the banned firearms relate “to the preservation or efficiency of a well regulated militia.” 784 F. 3d, at 410 (internal quotation marks omitted). The court concluded that state and local ordinances never run afoul of that objective, since “states, which are in charge of militias, should be allowed to decide when civilians can possess military-grade firearms.” *Ibid.* But that ignores *Heller*’s fundamental premise: The right to keep and bear arms is an independent, individual right. Its scope is defined not by what the militia needs, but by what private citizens commonly possess. 554 U. S., at 592, 627–629. Moreover, the Seventh Circuit endorsed the view of the militia that *Heller* rejected. We explained that “Congress retains plenary authority to organize the militia,” not States. *Id.*, at 600 (emphasis added). Because the Second Amendment confers rights upon individual citizens—not state governments—it was doubly wrong for the Seventh Circuit to delegate to States and localities the power to decide which firearms people may possess.

THOMAS, J., dissenting

Lastly, the Seventh Circuit considered “whether law-abiding citizens retain adequate means of self-defense,” and reasoned that the City’s ban was permissible because “[i]f criminals can find substitutes for banned assault weapons, then so can law-abiding homeowners.” 784 F. 3d, at 410, 411. Although the court recognized that “*Heller* held that the availability of long guns does not save a ban on handgun ownership,” it thought that “*Heller* did not foreclose the possibility that allowing the use of most long guns plus pistols and revolvers . . . gives householders adequate means of defense.” *Id.*, at 411.

That analysis misreads *Heller*. The question under *Heller* is not whether citizens have adequate alternatives available for self-defense. Rather, *Heller* asks whether the law bans types of firearms commonly used for a lawful purpose—regardless of whether alternatives exist. 554 U. S., at 627–629. And *Heller* draws a distinction between such firearms and weapons specially adapted to unlawful uses and not in common use, such as sawed-off shotguns. *Id.*, at 624–625. The City’s ban is thus highly suspect because it broadly prohibits common semiautomatic firearms used for lawful purposes. Roughly five million Americans own AR-style semiautomatic rifles. See 784 F. 3d, at 415, n. 3. The overwhelming majority of citizens who own and use such rifles do so for lawful purposes, including self-defense and target shooting. See *ibid.* Under our precedents, that is all that is needed for citizens to have a right under the Second Amendment to keep such weapons. See *McDonald*, 561 U. S., at 767–768; *Heller*, *supra*, at 628–629.

The Seventh Circuit ultimately upheld a ban on many common semiautomatic firearms based on speculation about the law’s potential policy benefits. See 784 F. 3d, at 411–412. The court conceded that handguns—not “assault weapons”—“are responsible for the vast majority of gun violence in the United States.” *Id.*, at 409. Still, the court



THOMAS, J., dissenting

concluded, the ordinance “may increase the public’s sense of safety,” which alone is “a substantial benefit.” *Id.*, at 412. *Heller*, however, forbids subjecting the Second Amendment’s “core protection . . . to a freestanding ‘interest-balancing’ approach.” *Heller, supra*, at 634. This case illustrates why. If a broad ban on firearms can be upheld based on conjecture that the public might *feel* safer (while being no safer at all), then the Second Amendment guarantees nothing.

## III

The Court’s refusal to review a decision that flouts two of our Second Amendment precedents stands in marked contrast to the Court’s willingness to summarily reverse courts that disregard our other constitutional decisions. *E.g.*, *Maryland v. Kulbicki, ante*, at 1 (*per curiam*) (summarily reversing because the court below applied *Strickland v. Washington*, 466 U. S. 668 (1984), “in name only”); *Grady v. North Carolina*, 575 U. S. \_\_\_ (2015) (*per curiam*) (summarily reversing a judgment inconsistent with this Court’s recent Fourth Amendment precedents); *Martinez v. Illinois*, 572 U. S. \_\_\_, \_\_\_ (2014) (*per curiam*) (slip op., at 10) (summarily reversing judgment that rested on an “understandable” double jeopardy holding that nonetheless “r[an] directly counter to our precedents”).

There is no basis for a different result when our Second Amendment precedents are at stake. I would grant certiorari to prevent the Seventh Circuit from relegating the Second Amendment to a second-class right.