

24-1046 WOLFORD V. LOPEZ

DECISION BELOW: 125 F.4th 1230

LOWER COURT CASE NUMBER: 23-16164

QUESTION PRESENTED:

New York State Rifle & Pistol Association, Inc. v. Bruen, 597 U.S. 1, 33 (2022), holds that "the Second Amendment guarantees a general right to public carry" of arms, meaning ordinary, law-abiding citizens may "'bear' arms in public for self-defense." In this case, the Ninth Circuit sustained a Hawaii law that makes it a crime for a concealed carry permit holder to carry a handgun on private property unless he has been "given express authorization to carry a firearm on the property by the owner, lessee, operator, or manager of the property." H.R.S. § 134-9.5. That holding is in acknowledged direct conflict with the Second Circuit's holding in *Antonyuk v. James*, 120 F.4th 941 (2d Cir. 2024), a decision that struck down an *identical* State law in the same procedural posture as this case.

The Ninth Circuit also sustained a multitude of other location bans on carry by permit holders, relying solely on post-Reconstruction Era and later laws. That doctrinal approach is in direct conflict with the Third Circuit's decision in *Lara v. Commissioner Pennsylvania State Police*, 125 F.4th 428 (3d Cir. 2025), the Fifth Circuit's decision in *United States v. Connelly*, 117 F.4th 269 (5th Cir. 2024), the Eighth Circuit's decision in *Worth v. Jacobson*, 108 F.4th 677 (8th Cir. 2024), and, most recently, the Eleventh Circuit's en banc decision in *NRA v. Bondi*, No. 21-12314, 2025 WL 815734 at *5 (11th Cir. March 14, 2025) (en banc), all of which hold that primary focus must be on Founding generation laws and tradition in applying the text, history and tradition test *Bruen* mandates.

The questions presented are:

1. Whether the Ninth Circuit erred in holding, in direct conflict with the Second Circuit, that Hawaii may presumptively prohibit the carry of handguns by licensed concealed carry permit holders on private property open to the public unless the property owner affirmatively gives express permission to the handgun carrier?

2. Whether the Ninth Circuit erred in solely relying on post-Reconstruction Era and later laws in applying *Bruen's* text, history and tradition test in direct conflict with the holdings of the Third, Fifth, Eighth and Eleventh Circuits?

LIMITED TO QUESTION 1 PRESENTED BY THE PETITION.

CERT. GRANTED 10/3/2025