

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BONITA SHREVE, *et al.*,

Plaintiffs,

v.

U.S. POSTAL SERVICE, *et al.*,

Defendants.

Civil Action No. 3:25-cv-214

**DEFENDANTS' RESPONSE TO PLAINTIFFS' STATEMENT OF MATERIAL FACTS IN
SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Pursuant to Local Civil Rule 56, Defendants hereby respond by admitting, denying, or objecting to Plaintiffs' statement of material facts.

1. Plaintiff Bonita Shreve is an adult over the age of 21, a citizen of the Commonwealth of Pennsylvania, a citizen of the United States, a law-abiding person, and has no disqualification under state or federal law which would prohibit her from possessing a firearm. APP.002 (Complaint, ECF No. 1, ¶ 14); APP.008 (Declaration of Bonita Shreve, ECF No. 1-2 ("Shreve Declaration") ¶¶ 2-3).

Response: Although Defendants do not have knowledge of the allegations in this paragraph, Defendants do not dispute the allegations in this paragraph for purposes of summary judgment.

2. Shreve resides in Altoona, Pennsylvania, within this district. APP.008 (Shreve Declaration ¶ 2).

Response: Although Defendants do not have knowledge of the allegations in this paragraph, Defendants do not dispute the allegations in this paragraph for purposes of summary judgment.

3. Shreve is a gun owner and a member of Plaintiff Gun Owners of America, Inc.

APP.008 (Shreve Declaration ¶¶ 2-3).

Response: Although Defendants do not have knowledge of the allegations in this paragraph, Defendants do not dispute the allegations in this paragraph for purposes of summary judgment.

4. Shreve owns a Bersa Thunder .380 ACP handgun, which she wishes to give as a gift to her father, who lives approximately three hours away in Palmyra, Pennsylvania. APP.008-APP.009 (Shreve Declaration ¶¶ 4-6).

Response: Although Defendants do not have knowledge of the allegations in this paragraph, Defendants do not dispute the allegations in this paragraph for purposes of summary judgment.

5. Shreve's father is a law-abiding person who is eligible to acquire and possess firearms under state and federal law. APP.008-APP.009 (Shreve Declaration ¶¶ 4-5).

Response: Defendants deny all allegations in this paragraph, because there is currently no admissible evidence in the record to substantiate the allegations.

6. Neither Pennsylvania nor federal law requires Shreve's father to submit to a background check in order for him to receive Shreve's handgun. He may simply take possession of it in a private, intrafamilial transfer occurring within the same state. See 18 Pa.C.S. § 6111(c); 18 U.S.C. § 922.

Response: Defendants object to the averments in paragraph 6, because they amount to legal argument, which is inappropriate for a Rule 56 "statement of facts." *See Judson Atkinson Candies, Inc. v. Latini-Hohberger Dhimantec*, 529 F.3d 371, 382 n.2 (7th Cir. 2008). Defendants further deny such allegations in this paragraph, because there is currently no admissible evidence in the record to substantiate whether Shreve's father can lawfully own a firearm in Pennsylvania.

7. Shreve currently has no plans to drive from Altoona to Palmyra to visit her parents

and to give her father her handgun in person. This trip is significant to Shreve, as it would require her to pay more than \$70 in Pennsylvania Turnpike tolls and approximately \$50 in gas, in addition to hotel fees, as her parents do not have room in their home for Shreve to stay. APP.009 (Shreve Declaration ¶ 6).

Response: Defendants admit in part and deny in part. Defendants deny that Shreve's parents do not have room in their home for Shreve to stay, because there is currently no admissible evidence in the record to substantiate that allegation. Defendants deny that Shreve would have to pay hotel fees to drive three hours to visit her parents, because there is currently no admissible evidence in the record to substantiate that allegation. All other allegations in this paragraph are not disputed.

8. Rather than make this costly trip simply to give her father her handgun, Shreve wishes to ship it to him using the U.S. Postal Service. Shreve estimates mailing her handgun would be the quickest and cheapest option to effectuate her desired transfer, as her local post office is only three minutes from her home. APP.009 (Shreve Declaration ¶ 7).

Response: Although Defendants do not have knowledge of the allegations in this paragraph, Defendants do not dispute the allegations in this paragraph for purposes of summary judgment.

9. Other direct shipment options are not available. For example, Shreve understands that private common carriers such as UPS and FedEx do not allow ordinary persons without Federal Firearms Licenses to ship firearms using their services. APP.009 (Shreve Declaration ¶ 8).

Response: Although Defendants do not have knowledge of the allegations in this paragraph, Defendants do not dispute the allegations in this paragraph to the extent that they refer to UPS and FedEx. However, Defendants note that 18 U.S.C. § 1715 does not apply to FedEx or UPS. To the

extent that this paragraph refers to shipment through the U.S. Postal Service, Defendants deny such allegation consistent with the OLC opinion. Ex. 1.

10. Neither Shreve nor her father holds a Federal Firearms License. See APP_010 (Shreve Declaration ¶ 10).

Response: Admit in part and deny in part. Defendants do not dispute that Shreve does not hold a Federal Firearms License, as such an allegation is implied in Shreve's declaration. However, Defendants deny that Shreve's father does not hold a Federal Firearms License, because there is currently no admissible evidence in the record to substantiate that allegation.

11. Shreve estimates that the only remaining option to give her father her handgun, a transfer through a licensed dealer, would be more costly and time-consuming than simply mailing it. For example, Shreve would have to pay a local Altoona dealer between \$30 and \$50 to ship her handgun to a dealer near Palmyra, only for her father to pay a similar amount in transfer fees to receive the handgun. Shreve estimates it would take an hour each for her and father to complete this transaction, respectively. APP.009 (Shreve Declaration ¶ 9).

Response: Although Defendants do not have knowledge of the allegations in this paragraph, Defendants do not dispute the allegations in this paragraph for purposes of summary judgment.

12. Accordingly, Shreve wishes to ship her handgun to her father using the U.S. Postal Service. She would do so immediately, within a few days, if she were able. APP.010 (Shreve Declaration ¶ 10).

Response: Although Defendants do not have knowledge of the allegations in this paragraph, Defendants do not dispute the allegations in this paragraph for purposes of summary judgment.

13. However, federal law and U.S. Postal Service regulations prohibit Shreve from

mailing her handgun to her father. See 18 U.S.C. § 1715; U.S. Postal Service Publication 52.

Response: Defendants do not dispute the allegations in this paragraph for purposes of summary judgment.

14. Neither Shreve nor her father meets the limited exceptions listed in 18 U.S.C. § 1715. Neither is an “officer[] of the Army, Navy, Air Force, Coast Guard, Marine Corps, Space Force, or Organized Reserve Corps,” an “officer[] of the National Guard or Militia of a State, Territory, Commonwealth, Possession, or District,” an “officer[] of the United States or of a State, Territory, Commonwealth, Possession, or District whose official duty is to serve warrants of arrest or commitments,” an “employee[] of the Postal Service,” an “officer[] [or] employee[] of enforcement agencies of the United States,” a “watchm[a]n engaged in guarding the property of the United States, a State, Territory, Commonwealth, Possession, or District,” or a “manufacturer[] of firearms or bona fide dealer[].” See 18 U.S.C. § 1715; APP.010 (Shreve Declaration ¶ 10).

Response: Admit in part and deny in part. Defendants do not dispute that Shreve does not meet the exceptions listed in 18 U.S.C. § 1715. However, Defendants deny that Shreve’s father does not meet the exceptions, because there is currently no admissible evidence in the record to substantiate that allegation.

15. Plaintiff Gun Owners of America, Inc. (“GOA”) is a California non-stock corporation with its principal place of business in Springfield, Virginia. GOA is organized and operated as a nonprofit membership organization that is exempt from federal income taxes under 501(c)(4) of the U.S. Internal Revenue Code. GOA was formed in 1976 to preserve and defend the Second Amendment rights of gun owners. GOA has more than two million members and supporters across the country, including residents of this district. APP.004 to APP.005 (Declaration of Val W. Finnell,

ECF No. 1-1 (“Finnell Declaration”) ¶ 4).

Response: Although Defendants do not have knowledge of the allegations in this paragraph, Defendants do not dispute the allegations in this paragraph for purposes of summary judgment.

16. Plaintiff Gun Owners Foundation (“GOF”) is a Virginia non-stock corporation with its principal place of business in Springfield, Virginia. GOF was formed in 1983 and is organized and operated as a nonprofit legal defense and educational foundation that is exempt from federal income taxes under Section 501(c)(3) of the U.S. Internal Revenue Code. GOF is supported by gun owners across the country, including Pennsylvania residents, who fund the organization’s activities. GOF relies on donations from its supporters to litigate and defend its supporters’ rights to keep and bear arms. APP.005 (Finnell Declaration ¶ 5).

Response: Defendants deny all allegations in this paragraph, because there is currently no admissible evidence in the record to substantiate the allegations.

17. GOF receives all its funding from its supporters, who voluntarily fund its activities. GOF litigates cases throughout the country on behalf of its supporters. GOF’s supporters receive information about its activities through a quarterly newsletter and regular emails about its activities. GOF’s supporters regularly communicate their views to GOF about issues on which GOF should focus. APP.003 (Complaint, ECF No. 1, ¶ 35).

Response: Defendants deny all allegations in this paragraph, because there is currently no admissible evidence in the record to substantiate the allegations.

18. Like Plaintiff Shreve, GOA and GOF’s members and supporters, including those in this district, wish to use the U.S. Postal Service to mail their lawfully owned handguns to themselves and to others for private, lawful purposes, and to receive the same, but are prohibited from doing so

under 18 U.S.C. § 1715 and U.S. Postal Service Publication 52. APP.005 to APP.006 (Finnell Declaration ¶¶ 6, 11, 13).

Response: Defendants deny all allegations in this paragraph, because there is currently no admissible evidence in the record to substantiate the allegations. Mr. Finnell does not have personal knowledge about what GOA's members and supporters "wish" to do, as that calls for speculation or reliance on inadmissible hearsay. Further, Plaintiffs have submitted no admissible evidence about GOF and its members.

19. For example, one Pennsylvania GOA member owns a firearm training academy. This member often travels interstate to attend various firearm training courses. They often drive to these out-of-state courses with their handgun, because they do not wish to fly with their handgun and risk theft of the handgun while it is in airline custody. This member would fly to their interstate training destinations, rather than drive, if they were able to simply mail their handgun to themselves at their ultimate destination. APP.006 to APP.007 (Finnell Declaration ¶ 14).

Response: Defendants deny all allegations in this paragraph, because there is currently no admissible evidence in the record to substantiate the allegations.

20. Defendant U.S. Postal Service ("USPS") is the agency responsible for "investigat[ing] postal offenses ... relating to the Postal Service," including the general prohibition on the mailing of handguns challenged here. 39 U.S.C. § 404(a)(6).

Response: Defendants admit.

21. Postmaster General of the United States, Defendant David Steiner, is responsible for overseeing USPS's enforcement of the general prohibition on the mailing of handguns challenged here. 39 U.S.C. § 203; 39 C.F.R. § 222.1(a). He was automatically substituted as a Defendant upon

taking office following the commencement of this litigation. See Fed. R. Civ. P. 25(d).

Response: Defendants admit.

22. Defendant U.S. Postal Inspection Service (“USPIS”) is responsible for “the enforcement of laws regarding property in the custody of the Postal Service, property of the Postal Service, the use of the mails, and other postal offenses.” 18 U.S.C. § 3061(b)(1); see also 39 C.F.R. § 233.1.

Response: Defendants admit.

23. Chief Postal Inspector of USPIS, Defendant Gary Barksdale, is responsible for overseeing its operations, including the enforcement of the general prohibition on the mailing of handguns challenged here. See 39 U.S.C. § 204; 39 C.F.R. §§ 4.5, 230.1, 233.1.

Response: Defendants admit.

24. Defendant U.S. Department of Justice is the agency responsible for enforcing federal criminal laws, including the general prohibition on the mailing of handguns challenged here. See 28 U.S.C. § 533.

Response: Defendants admit.

25. GOA member Arthur Zimmerman is the father of Plaintiff Bonita Shreve and lives in Palmyra, Pennsylvania. *See* Supplemental Declaration of Val W. Finnell at ¶ 4, Exhibit 1. APP. 012.

Response: Although Defendants do not have knowledge of the allegations in this paragraph, Defendants do not dispute the allegations in this paragraph for purposes of summary judgment.

26. 26. Mr. Zimmerman “wishes to receive, obtain, and possess the handgun that his daughter, Plaintiff Shreve, intends to gift to him and … ship through the U.S. Postal Service.” Id. at ¶ 4. APP.012.

Response: Defendants deny all allegations in this paragraph, because there is currently no admissible evidence in the record to substantiate the allegations. Mr. Finnell does not have personal knowledge about what Mr. Zimmerman “wishes” to do, as that calls for speculation or reliance on inadmissible hearsay.

27. Mr. Zimmerman would also “mail a handgun to himself via the United States Postal Service when he travels to property that he owns in Texas” instead of “checking the firearm with his airline.” APP.012 at ¶ 5.

Response: Defendants deny all allegations in this paragraph, because there is currently no admissible evidence in the record to substantiate the allegations. Mr. Finnell does not have personal knowledge about what Mr. Zimmerman “would do,” as that calls for speculation or reliance on inadmissible hearsay.

Defendants’ Statement of Additional Material Facts

28. Plaintiffs identify no instances where an individual gifting a firearm to a family member or friend through the U.S. Postal Service has been prosecuted under 18 U.S.C. § 1715. *See* ECF 1, 23, 24, 25.

29. Plaintiffs have presented no evidence that 18 U.S.C. § 1715 has been prosecuted in Pennsylvania’s three federal judicial districts in the last ten years. *See* ECF 1, 23, 24, 25.

30. On January 15, 2026, the Department of Justice Office of Legal Counsel published an opinion finding that “[b]ecause the application of [18 U.S.C. § 1715] to constitutionally protected firearms violates the Second Amendment, we conclude that the Department of Justice should cease prosecutions under the statute with respect to protected firearms.” Ex. 1.

31. A Bersa Thunder .380 ACP is a protected firearm under the Second Amendment.

Dated: January 16, 2026

Respectfully submitted,

BRETT A. SHUMATE
Assistant Attorney General
Civil Division

ANDREW I. WARDEN
Assistant Branch Director
Federal Programs Branch

/s/ Samuel S. Holt
SAMUEL S. HOLT (CO Bar No. 59613)
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, N.W.
Washington, D.C. 20005
Telephone: (202) 674-9761
Fax: (202) 616-8470
Samuel.Holt2@usdoj.gov

Counsel for Defendants