

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
San Angelo Division**

SILENCER SHOP FOUNDATION; GUN OWNERS OF AMERICA, INC; FIREARMS REGULATORY ACCOUNTABILITY COALITION, INC.; B&T USA, LLC; PALMETTO STATE ARMORY, LLC; SILENCERCO WEAPONS RESEARCH, LLC (d/b/a SILENCERCO); GUN OWNERS FOUNDATION; BRADY WETZ; STATE OF TEXAS; STATE OF ALASKA; STATE OF GEORGIA; STATE OF IDAHO; STATE OF INDIANA; STATE OF KANSAS; STATE OF LOUISIANA; STATE OF MONTANA; STATE OF NORTH DAKOTA; STATE OF OKLAHOMA; STATE OF SOUTH CAROLINA; STATE OF SOUTH DAKOTA; STATE OF UTAH; STATE OF WEST VIRGINIA; and STATE OF WYOMING,

Plaintiffs,

v.

Case No. 6:25-cv-56-H

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES; UNITED STATES DEPARTMENT OF JUSTICE; PAMELA BONDI, in her Official Capacity as ATTORNEY GENERAL OF THE UNITED STATES; and DANIEL DRISCOLL, in his Official Capacity as ACTING DIRECTOR OF THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES,

Defendants.

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

The Department of Justice ("DOJ") recently filed an *amicus* brief in *Rhode v. Bonta*, No. 24-542 (9th Cir. Jan. 5, 2026) ("Amicus," attached), a case involving a Second Amendment

challenge to California's ammunition background-check regime. DOJ's brief in that case undermines its arguments here.

First, DOJ maligns the California background check's "inherent and unpredictable delays (from minutes, to days, to ... months)" which, together with "hard to explain ... fees" that make the process a "costly endeavor," operate as "an intentional burden" on constitutional rights. Amicus 1, 22, 24, 27. In contrast here, DOJ defends the NFA's registration provisions in spite of Plaintiffs suffering similar "indefinite" and "unpredictable delays" (ECF No. 49 at 43), which range from "days" (ECF No. 60 at 30) to "several months to *over a year*" (ECF No. 75 at 43). *See also* ECF No. 15 ¶¶2, 11 (Plaintiffs "must incur costs" and "NFA registration ... imposes a significant regulatory burden" and results in "economic losses").

Second, DOJ notes that California's scheme fails to serve its alleged purpose, preventing a "vanishingly small" number of "dangerous prohibited persons from acquiring ammunition," while effectively "hind[ering] law-abiding citizens' exercise of their Second Amendment rights." Amicus 3, 36. Identically here, "the Government cannot claim to have ever found even a single occupational tax evader" (ECF No. 75 at 11) – DOJ's claimed purpose for the NFA's registration requirements (ECF No. 60 at 1) – meanwhile "[t]he NFA's registration requirements deter a significant number of existing and prospective gun owners from acquiring short-barreled firearms and silencers" (ECF No. 15 ¶51). Similarly, DOJ notes that California's regime delays tens of thousands unjustifiably based on "insignificant errors." Amicus 26-27; *cf.* ECF No. 49 at 44 ("Plaintiffs have suffered ... 88-day denials, through no fault of their own and despite being perfectly eligible....").

Third, having no link to any legitimate government interest that may find support in the historical record as required by *Bruen*, DOJ characterizes California's regime as in fact "serv[ing]

a pretextual repressive purpose,” being “design[ed] ... to place roadblocks before gun owners solely to frustrate their ability to bear arms.” Amicus 22, 28. Likewise, as Plaintiffs explained here, the NFA “was a pretextual means test to preclude average citizens from possessing NFA firearms.” ECF No. 15 ¶57. Indeed, as Defendant ATF describes it, the NFA was enacted with the “purpose to discourage or eliminate transactions in these firearms.”¹ See also ECF No. 15 ¶11 (NFA “discourage[es] some from acquiring altogether”). As DOJ rightly concludes, California’s “firearms regulations ... designed to thwart the right to bear arms ... are unconstitutional....” Amicus 4. Yet DOJ continues to defend the NFA here, despite it having the same impermissible purpose.

Fourth, DOJ asserts that “pretextual restrictions” which “advance an illegitimate purpose are unconstitutional” on their face, such as “former Confederate States [which] made ‘systematic efforts’ to disarm black people.” Amicus 16, 18. Yet here, DOJ sought “to justify the NFA using racist history that is ‘probative of what the Constitution does not mean.’” ECF No. 75 at 45.

In sum, DOJ’s amicus brief in *Rhode* provides compelling reasons to find the NFA unconstitutional here.

Dated: January 16, 2026

Respectfully submitted,

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¹ <https://www.atf.gov/rules-and-regulations/laws-alcohol-tobacco-firearms-and-explosives/national-firearms-act>.

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CERTIFICATE OF SERVICE

I, Stephen D. Stamboulieh, hereby certify that, on January 16, 2026, I have caused the foregoing document to be filed with this Court's CM/ECF system, which caused a Notice of Electronic Filing and copy of this document to be delivered to all counsel of record.

/s/ Stephen D. Stamboulieh
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