

**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.

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.

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

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants have claimed that the National Firearms Act ("NFA") survives Second Amendment review because it is a supposedly "presumptively lawful" "shall-issue licensing

scheme[]” of the sort discussed in *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 38 n.9 (2022). Memorandum in Opposition to Plaintiffs’ Motion for Summary Judgment and in Support of Defendants’ Motion for Summary Judgment (“XMSJ”) at 29, ECF #60 (citing *United States v. Peterson*, 161 F.4th 331, 339 (5th Cir. 2025)). Plaintiffs dispute that characterization. *See* Memorandum in Support of Plaintiffs’ Motion for Summary Judgment (“MSJ”) at 43-44, ECF #49.

Now, recently issued Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) documents further belie the notion that the NFA is a “shall-issue licensing scheme.” Recently, ATF “disapproved” two Applications to Make and Register a Firearm (“Form 1”) submitted by a member of Plaintiff Gun Owners of America (“GOA”). One Form 1 sought approval to make and register a short-barreled shotgun; and the other, a silencer. ATF denied both applications due to the GOA member’s response to “Box 4(i).” Specifically, Box 4(i) requires – without any statutory or regulatory backing – an applicant to “specify why you intend to make firearm.” *See* Exhibit 1 at 4(i). There are no instructions on the Form 1 with respect to what sorts of reasons are considered legitimate or illegitimate.

Nevertheless, on both Form 1 applications, this GOA member stated that they desired to “EXERCISE MY GOD GIVEN RIGHT.” Exhibits 1 & 2 at 4(i). And in both cases, ATF disapproved the Form 1, asserting that the applicant had provided an “INSUFFICIENT REASON – 4I – STATE REASON, NOT ACTUAL.” Exhibits 1 & 2 at 8. This was the only ground for “disapproval” on both forms. Then, when this GOA member followed up with ATF by email, asking “[p]lease provide me with a complete list of acceptable reasons to ATF to make a firearm because my reason is obviously not what the examiner wanted to read,” ATF doubled down, stating that “Box 4i needs a clear, legal reason why you are manufacturing the weapon.” Exhibit 3.

ATF's denial of this GOA member's applications bears no resemblance to the "shall-issue" schemes discussed in *Bruen*. First, *Bruen* explained that "'shall-issue' licensing regimes ... contain only 'narrow, objective, and definite standards.'" 597 U.S. at 38 n.9. In contrast, Box 4(i) is not based on any statute or regulation, and thus provides no standard at all. Second and relatedly, *Bruen* explained that "shall-issue regimes do not grant open-ended discretion to licensing officials." *Id.* at 80 (Kavanaugh, J. & Roberts, C.J., concurring) & 38 n.9 (majority opinion). Yet ATF's recent denial on the basis of a GOA member's wishing to exercise his God-given rights is the quintessential exercise of "open-ended discretion" – and a nefarious one at that.

In fact, by demanding an applicant provide a sufficient "reason" for acquiring a firearm, ATF's Form 1 requires the very same sort of "showing of some special need" that *Bruen* expressly rejected. 597 U.S. at 80 (Kavanaugh, J. & Roberts, C.J., concurring); *cf. id.* at 11 (majority opinion) ("the State's licensing regime violates the Constitution ... [b]ecause the State of New York issues ... licenses only when an applicant demonstrates a special need....").

Making matters worse, Defendants have not disputed that NFA firearms are "Arms" under the Second Amendment to which "the people" have a "right." *See* MSJ at 37-38; *cf.* XMSJ at 27-32. Even so, ATF has refused to allow this GOA member to "exercise [his] God given right" to acquire and possess a protected "Arm." That is a Second Amendment violation in and of itself.

The ATF documents appended hereto provide further reason why this Court should grant Plaintiffs' Motion for Summary Judgment.

Dated: February 9, 2026.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Stephen D. Stamboulieh, hereby certify that, on February 9, 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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