

**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' MOTION FOR LEAVE TO FILE
NOTICE OF SUPPLEMENTAL AUTHORITY**

Pursuant to LR 56.7, Plaintiffs 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, 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”) respectfully move for leave to file the attached proposed notice of supplemental authority, and state as follows:

On January 28, 2026, the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) “disapproved” two Form 1 Applications to Make and Register NFA Firearms related to making a suppressor and a short-barreled rifle that had been submitted by a member of Plaintiff Gun Owners of America. As Plaintiffs explain in the attached notice of supplemental authority, ATF’s disapproval of these Form 1s demonstrates that the National Firearms Act is not a “shall-issue” scheme as Defendants argue. And it shows that ATF determined that the exercise of Second Amendment rights an illegitimate reason to acquire a firearm. Accordingly, Plaintiffs seek leave to bring these recent developments, memorialized in government records, to this Court’s attention, which are “pertinent and significant” to this Court’s consideration of the parties’ cross-motions for summary judgment. *See, e.g.*, Fed. R. App. P. 28(j).

Finally, although LR 7.1(h) normally requires a motion for leave to file to be accompanied by a brief in support, Plaintiffs request to be relieved of this requirement due to the straightforward nature of the relief requested. *See* ECF No. 10 (July 16, 2025) (this Court previously granting a straightforward motion for leave without briefing).

Dated: February 9, 2026

Respectfully submitted,

<p><u>/s/ Stephen D. Stamboulieh</u> Stephen D. Stamboulieh</p> <p>STAMBOULIEH LAW, PLLC NDTX#: 102784MS MS Bar No. 102784 P.O. Box 428 Olive Branch, MS 38654 (601) 852-3440 stephen@sdslaw.us</p> <p><i>Attorney for Plaintiffs Gun Owners of America, Inc., Gun Owners Foundation and Brady Wetz</i></p> <p><u>/s/ Brandon W. Barnett</u> Brandon W. Barnett Texas Bar. No. 24053088</p> <p>BARNETT HOWARD & WILLIAMS PLLC 930 W. 1st St., Suite 202 Fort Worth, Texas 76102 Tel: (817) 993-9249 Fax: (817) 697-4388 barnett@bhwlawfirm.com</p> <p><i>Attorney for Private Plaintiffs</i></p>	<p><u>/s/ Michael D. Faucette</u> Michael D. Faucette Stephen J. Obermeier Jeremy J. Broggi Boyd Garriott Isaac J. Wyant</p> <p>WILEY REIN LLP 2050 M Street NW Washington, D.C. 20036 Tel: (202) 719-7000 Fax: (202) 719-7049 mfaucette@wiley.law sobermeier @wiley.law jbroggi@wiley.law bgarriott@wiley.law iwyant@wiley.law</p> <p><i>Attorneys for Plaintiffs Silencer Shop Foundation, Firearms Regulatory Accountability Coalition, Palmetto State Armory, LLC, B&T USA, LLC, and SilencerCo Weapons Research, LLC</i></p>
<p>Ken Paxton Attorney General of Texas</p> <p>Brent Webster First Assistant Attorney General</p> <p>Ralph Molina Deputy First Assistant Attorney General</p> <p>Ryan Walters Deputy Attorney General for Legal Strategy</p> <p><u>/s/ Munera Al-Fuhaid</u> Munera Al-Fuhaid</p>	

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<p>Austin Knudsen Attorney General of Montana</p> <p><u>/s/Christian B. Corrigan</u> Christian B. Corrigan* Solicitor General</p> <p>Montana Department Of Justice P.O. Box 201401 Helena, Montana 59620-1401 (406) 444-2026 Christian.Corrigan@mt.gov</p> <p><i>Counsel for Plaintiff State of Montana</i> <i>*motion for pro hac vice admission</i> <i>forthcoming</i></p>	<p>Drew H. Wrigley Attorney General of North Dakota</p> <p><u>/s/ Philip Axt</u> Philip Axt Solicitor General</p> <p>Office Of North Dakota Attorney General 600 E. Boulevard Ave., Dept. 125 Bismarck, ND 58505 Phone: (701) 328-2210 Email: pjaxt@nd.gov</p> <p><i>Counsel for Plaintiff State of North Dakota</i></p>
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CERTIFICATE OF CONFERENCE

Pursuant to LR 7.1(b), I hereby certify that I, counsel for Plaintiffs, emailed counsel for Defendants on February 6, 2026 and February 9, 2026, seeking their position on the relief requested in this motion. Jody Lowenstein, counsel for Defendants, stated that they reserve their position and plan to file a response.

/s/ Stephen D. Stamboulieh
Stephen D. Stamboulieh

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
Stephen D. Stamboulieh