

No. 25-421

IN THE
Supreme Court of the United States

NATIONAL ASSOCIATION FOR GUN RIGHTS, *et al.*,
Petitioners,

v.

NED LAMONT, IN HIS OFFICIAL CAPACITY
AS GOVERNOR OF CONNECTICUT, *et al.*,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

**RESPONSE TO PETITIONERS’
SUPPLEMENTAL BRIEF**

WILLIAM TONG
Attorney General of Connecticut
MICHAEL SKOLD*
Solicitor General of Connecticut
JANELLE R. MEDEIROS
JAMES M. BELFORTI
Assistant Attorneys General
EVAN O’ROARK
Deputy Solicitor General

OFFICE OF THE ATTORNEY GENERAL
165 Capitol Avenue
Hartford, CT 06106
(860) 808-5316
michael.skold@ct.gov

* *Counsel of Record*

Counsel for Respondents

121018



COUNSEL PRESS

(800) 274-3321 • (800) 359-6859

**RESPONSE TO PETITIONERS’
SUPPLEMENTAL BRIEF**

Under Rule 15.8, Respondents respectfully submit this response to Petitioners’ supplemental brief addressing *Benson v. United States*, ___ A.3d ___, 2026 WL 628772 (D.C. Mar. 5, 2026). *Benson* does not provide a basis to grant the petition, for several reasons.

First, Petitioners’ argument is premature. In *Benson*, a panel of the D.C. Court of Appeals held, over one judge’s dissent, that the District of Columbia’s restriction on large capacity magazines (“LCMs”) violates the Second Amendment, despite an earlier decision from the D.C. Circuit Court of Appeals declining to enjoin the same law. *See Hanson v. Smith*, 120 F.4th 223, 248 (2024). The District of Columbia filed a petition for rehearing en banc on March 18, 2026. *See* Petition for Rehearing En Banc, *Benson v. United States*, No. 23-CF-0514 (D.C. Mar. 18, 2026). On March 23, 2026, the D.C. Court of Appeals ordered the appellant to file a response to the petition by April 6, 2026. *See* Order, *Benson v. United States*, No. 23-CF-0514 (D.C. Mar. 23, 2026). *Benson* is thus not yet final, and further review by the en banc court may eliminate any potential conflict *Benson* creates.

Second, *Benson* has nothing to do with assault weapon restrictions, which are the central focus of this petition. So the fact remains that no circuit court or court of final review to consider the issue has enjoined an assault weapon ban after *Bruen*. *See* Resp. Br. at 13-14. And as discussed in Respondents’

brief in opposition here, the purported conflicts in reasoning Petitioners point to are not outcome determinative and “not necessary to resolve th[is] case,” especially on constitutional questions to which the Court “seek[s] to avoid even *nonadvisory* opinions.” *Moody v. NetChoice, LLC*, 603 U.S. 707, 755 (2024) (Barrett, J., concurring) (emphasis in original) (quoting *Chicago v. Morales*, 527 U.S. 41, 77 (1999) (Scalia, J., dissenting)); see Resp. Br. at 16-17.

Finally, *Benson* does not and cannot change the fact that this case remains a uniquely poor vehicle to review these issues. No intervening authority eliminates the alternative and independent grounds to affirm the judgment here: Petitioners’ failure to establish the balancing of the equities and public interest factors for obtaining a preliminary injunction under *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7 (2008). Resp. Br. at 17-19. Nor does *Benson* fix Petitioners’ evidentiary failures at every stage of the *Bruen* analysis, especially on those issues they focus on in their supplemental brief. See Resp. Br. at 19-20 (highlighting Petitioners’ failure to present admissible evidence that assault weapons and LCMs are commonly owned by Americans; and that they are commonly owned or used for self-defense).

If the Court is inclined to address the issues presented here, it should do so in one of the many pending cases with full factual records that have proceeded to final judgment, not a case in a preliminary posture with an inadequate record. *Benson* has not changed that.

CONCLUSION

The petition for writ of certiorari should be denied.

Respectfully submitted,

WILLIAM TONG
ATTORNEY GENERAL
OF CONNECTICUT

MICHAEL SKOLD*
SOLICITOR GENERAL
OF CONNECTICUT

Janelle R. Medeiros
James M. Belforti
Assistant Attorneys General
Evan O’Roark
Deputy Solicitor General
Office of the Attorney General
165 Capitol Ave
Hartford, CT 06106
(860) 808-8020
Michael.skold@ct.gov

**Counsel of Record
Counsel for Respondent*

Dated: 25th of March, 2026.