

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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**NO. 24-30043**

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**UNITED STATES OF AMERICA,  
Plaintiff - Appellee**

**v.**

**GEORGE PETERSON,  
Defendant - Appellant**

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**Appeal From The United States District Court  
For The Eastern District Of Louisiana**

**Honorable Jay C. Zainey, District Judge  
Criminal Docket No. 22-231, Section "A"**

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**GOVERNMENT'S UNOPPOSED MOTION TO DELAY RULING ON  
DEFENDANT-APPELLANT'S PETITION FOR REHEARING EN BANC**

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The United States of America moves this Court to delay its ruling on defendant-appellant George Peterson's petition for rehearing en banc for 30 days to allow the government an opportunity to further consider its position.

On February 6, 2025, this Court affirmed Peterson's conviction for possessing an unregistered silencer, in violation of 26 U.S.C. §§ 5841, 5861(d), and 5871, holding that silencers are not "arms" protected by the Second Amendment. *United States v. Peterson*, 127 F.4th 941 (5th Cir. 2025). After

affirmance, Peterson filed a petition for rehearing en banc, Doc. 95, which was supported by amici curiae briefing. Docs. 110, 111. On March 18, 2025, the government filed an opposition to Peterson's petition for rehearing en banc, arguing that the panel's holding was correct. Doc. 107.

The government now requests this Court delay its ruling on Peterson's petition for 30 days to allow it an opportunity to further consider its position. On February 7, 2025, the President issued Executive Order 14206, *Protecting Second Amendment Rights* (EO 14206), directing the Attorney General to examine all executive actions to present a proposed plan to protect the Second Amendment rights of all Americans. In implementing that order, the Department of Justice is re-evaluating its litigation positions regarding silencers.

Accordingly, the government respectfully requests that the Court delay ruling on Peterson's motion for rehearing en banc for 30 days. At that time, the government will inform the Court of the status of its review and, if warranted, move for leave to file an amended response.

The government has contacted counsel for Peterson, who stated that he does not oppose the motion.

**CONCLUSION**

For the foregoing reasons, the government requests this Court delay its ruling on George Peterson's petition for rehearing for 30 days.

Respectfully submitted,

MICHAEL M. SIMPSON  
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*/s/ Kevin G. Boitmann*  
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**CERTIFICATE OF SERVICE AND ECF COMPLIANCE**

I hereby certify that on this 20th day of March, 2025, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. The following ECF-registered counsel of record was served by Electronic Notice of Docket Activity:

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I further certify the foregoing document meets the required privacy redactions; that it is an exact copy of the paper document; and the document has been scanned with the most recent version of a commercial virus scanning program and is virus-free.

/s/ Kevin G. Boitmann

KEVIN G. BOITMANN

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/s/ Kevin G. Boitmann

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March 20, 2025