

In the Supreme Court of the United States

VIRGINIA DUNCAN, *et al.*,

Petitioners,

v.

ROB BONTA, ATTORNEY GENERAL OF CALIFORNIA,

Respondent.

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

RESPONSE TO PETITIONERS' SUPPLEMENTAL BRIEF

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**RESPONSE TO PETITIONERS’
SUPPLEMENTAL BRIEF**

Pursuant to Rule 15.8, the Attorney General respectfully submits this response to a supplemental brief filed by petitioners addressing *Benson v. United States*, ___ A.3d ___, 2026 WL 628772 (D.C. Mar. 5, 2026). In *Benson*, a panel of the D.C. Court of Appeals held that the District of Columbia’s prohibition on firearm magazines holding more than ten rounds violates the Second Amendment. *Id.* at *1. Chief Judge Blackburne-Rigsby dissented. *Id.* at *18-28.

Petitioners argue that *Benson* establishes a conflict of authority. Pet. Supp. Br. 1. But the D.C. Court of Appeals’ decision is not yet final. See D.C. App. R. 41. The District of Columbia has requested that the court suspend the precedential status of the decision, pending its disposition of the District’s forthcoming petition for rehearing en banc. See Emergency Mot., *Benson v. United States*, No. 23-CF-0514 (D.C. Mar. 6, 2026), available at tinyurl.com/yc4xe7bp. The District expects to file the en banc petition “on or before” March 19. Mot. at 1; see D.C. App. R. 35(c). Further review before the D.C. Court of Appeals may avoid the creation of a conflict. There are compelling grounds for rehearing en banc: among other considerations discussed in the District’s recently filed motion, the United States—the prosecuting authority in *Benson*—had filed an uncontested motion to vacate the defendant’s conviction for possessing a 30-round magazine before the panel issued its opinion. Mot. at 4. That made it unnecessary for the panel to reach the merits of the defendant’s Second Amendment challenge. See *id.*

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted,

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