

# Cooper & Kirk

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July 1, 2026

## **Via Appellate Case Management System**

Molly Dwyer, Clerk of Court  
Office of the Clerk  
U.S. Court of Appeals for the Ninth Circuit  
111 South 10th Street  
P.O. Box 193939  
San Francisco, CA 94119-3939

**Re: *Sanchez v. Bonta*, No. 24-5566**

**Appellant's Citation of Supplemental Authority**

**Argued and submitted to Bybee, Lee, and De Alba, JJ., on Nov. 18,  
2025**

Dear Ms. Dwyer,

The Supreme Court's decision in *Wolford v. Lopez*, No. 24-1046, 609 U.S. \_\_\_, 2026 WL 1825723 (June 25, 2026) (slip op. attached as Exhibit A), confirms that the use of suppressed firearms is protected by the Second Amendment.

First, the Court explained that a "law . . . clashes with the 'plain text' of the Amendment's language" if it "*concern[s] any form of 'Arms.'*" *Wolford*, at \*6 (emphasis added). The Court also explained that the Second Amendment applies where "the law place[s] *any restrictions* on either the 'keep[ing]' (*i.e.*, possession) or the 'bear[ing]' (*i.e.*, carrying) of arms." *Id.* (emphasis added).

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Consistent with Plaintiff’s primary argument, a suppressed firearm is a *form* of Arms. *See* Replacement Opening Br., Doc. 34.1 (Mar. 28, 2025), at 13, 20. And consistent with Plaintiff’s alternative argument, *see id.* at 34–37, even if a suppressor itself were not considered an arm, banning suppressors nonetheless *concerns* arms and *restricts their use* because such a ban affects the functionality of firearms by prohibiting a device designed to reduce loudness and recoil, increase accuracy, and promote efficient follow-up shots.

Second, the Court framed the plain-text inquiry in terms of protected conduct—not items. The “plain text of the Second Amendment *protects what petitioners want to do: carry handguns for self-defense.*” *Wolford*, at \*9 (emphasis added) (internal quotation marks omitted). As Justice Jackson explained in dissent, the “majority essentially directs courts to start by simply asking whether a gun owner cannot do what she wants with her firearm.” *Wolford*, at \*23 (Jackson, J., dissenting).

Thus, to the extent this Court’s decisions suggest that California’s suppressor ban does not implicate the plain text of the Second Amendment because suppressors are not strictly “necessary” for the operation of a firearm, *see Duncan v. Bonta*, 133 F.4th 852, 868 (9th Cir. 2025) (en banc); *United States v. DeBorba*, 177 F.4th 1005, 1012 (9th Cir. 2026), those decisions are abrogated by *Wolford* and no longer controlling. *See Miller v. Gammie*, 335 F.3d 889, 899–900 (9th Cir. 2003) (en banc).

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Respectfully submitted,

/s/ David H. Thompson

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