

# Cooper & Kirk

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June 25, 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 by Bybee, Lee, and De Alba, JJ., on Nov. 18, 2025**

Dear Ms. Dwyer,

The U.S. Court of Appeals for the Fifth Circuit has now held that suppressors are “Arms” protected by the full force of the Second Amendment. *United States v. Comeaux*, No. 24-30307, 2026 WL 1758170 (5th Cir. June 18, 2026) (attached as Exhibit A).

The Court explained that “[u]nder the Second Amendment, ‘Arms’ comprises ‘weapons of offence,’ ‘armour of defence,’ and ‘anything that a man wears for his defence, . . . takes into his hands, or useth in wrath to cast at or strike another.’” *Id.* at \*3 (quoting *District of Columbia v. Heller*, 554 U.S. 570, 581 (2008)). Put simply: “[s]ilencers fit that definition.” *Id.* And “[s]ilencers lead to ‘reduced loudness (and reduced risk of hearing loss), lower recoil from the firearm, elimination of muzzle blast, increased accuracy, and faster follow-up shots.’” *Id.* “Those are all critical functions that make firearms both safer and more effective for their core lawful purpose of self[-]defense.” *Id.*

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The Fifth Circuit correctly noted that the Supreme Court in *Bruen* held that “Second Amendment ‘Arms’ need not be *necessary* for a firearm’s functioning but instead must only ‘*facilitate* armed self-defense.” *Id.* at \*4 (emphases in original). The Fifth Circuit thus rejected a threshold “*necessary*” requirement to the Second Amendment’s application. *Contra Duncan v. Bonta*, 133 F.4th 852, 868 (9th Cir. 2025) (en banc).

Of course, *Duncan* controls in this Circuit. But the Fifth Circuit’s reasoning supports Plaintiff’s alternative argument that California’s ban implicates the Second Amendment because it recognizes the utility of suppressors in reducing the risk of hearing loss, lowering recoil, eliminating muzzle blast, and increasing speed and accuracy. Bearing a firearm safely and effectively is a critical facet of the right to bear arms, which is meaningfully constrained under the State’s suppressor ban. *See B&L Prods., Inc. v. Newsom*, 104 F.4th 108, 119 (9th Cir. 2024); Opening. Br. at 3–4, 35–37; Oral Argument Tr. at 0:58-3:00 (Nov. 18, 2025).

Respectfully submitted,

/s/ David H. Thompson

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