

No. 26-258

In the
Supreme Court of the United States

ANDREA BECKWITH, ET AL.,
Petitioners,

v.

AARON M. FREY, INDIVIDUALLY AND AS
ATTORNEY GENERAL OF MAINE,
Respondent.

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

**BRIEF FOR THE BUCKEYE INSTITUTE
AS AMICUS CURIAE SUPPORTING PETITIONERS**

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QUESTION PRESENTED

Whether forcing law-abiding citizens who have already passed a background check to wait out a multi-day cooling-off period before taking possession of a firearm violates the Second Amendment.

TABLE OF CONTENTS

QUESTION PRESENTED.....	i
TABLE OF AUTHORITIES.....	iv
INTEREST OF AMICUS CURIAE	1
SUMMARY OF THE ARGUMENT.....	2
ARGUMENT	3
I. Introduction.....	3
II. Waiting periods clash with the plain text of the Second Amendment—regardless of whose conduct they target.....	5
III. Even if the waiting period here did not directly clash with the plain text of the Second Amendment, obtaining a firearm is a necessary action that satisfies <i>Bruen</i> ’s first step	7
A. This Court has protected ancillary conduct in order to protect enumerated constitutional rights	7
B. State and lower federal courts have long protected ancillary conduct to protect the right to keep and bear arms.....	13
C. If the court below was correct that the waiting period falls outside the plain text of the Second Amendment, this Court should apply <i>Bruen</i> ’s second step to conduct that is necessary to or facilitative of the right to keep and bear arms.....	15

IV. This case provides the Court with a good opportunity to explain the reach of the plain text analysis or, in the alternative, what test applies when the plain text is not directly invoked.....	17
CONCLUSION.....	19

TABLE OF AUTHORITIES

Cases

<i>Andrews v. State</i> , 50 Tenn. 165 (1871)	13, 16
<i>B & L Prods., Inc. v. Newsom</i> , 104 F.4th 108 (9th Cir. 2024)	16
<i>Bantam Books, Inc. v. Sullivan</i> , 372 U.S. 58 (1963)	11
<i>Barris v. Stroud Twp.</i> , 310 A.3d 175 (Pa. 2024)	9
<i>Bd. of Educ., Island Trees Union Free Sch. Dist. No.</i> <i>26 v. Pico</i> , 457 U.S. 853 (1982)	11
<i>District of Columbia v. Heller</i> , 554 U.S. 570 (2008)	5, 9, 16
<i>Ezell v. City of Chicago</i> , 651 F.3d 684 (7th Cir. 2011)	13, 14
<i>Gazzola v. Hochul</i> , 88 F.4th 186 (2d Cir. 2023)	13
<i>Globe Newspaper Co. v. Superior Court for Norfolk</i> <i>County</i> , 457 U.S. 596 (1982)	10
<i>Griswold v. Connecticut</i> , 381 U.S. 479 (1965)	11
<i>Jackson v. City & Cnty. of San Francisco</i> , 746 F.3d 953 (9th Cir. 2014)	14
<i>Luis v. United States</i> , 578 U.S. 5 (2016)	8, 9, 11, 12
<i>McConnell v. Federal Election Comm’n</i> , 540 U.S. 93 (2003)	11

<i>Minneapolis Star & Tribune Co. v. Minn. Comm’r of Revenue</i> , 460 U.S. 575 (1983)	10
<i>N.Y. State Rifle & Pistol Ass’n v. Bruen</i> , 597 U.S. 1 (2022).....	5, 6
<i>N.Y. State Rifle & Pistol Ass’n, Inc. v. City of New York</i> , 590 U.S. 336 (2020)	9
<i>Oakland Tactical Supply, LLC v. Howell Twp., Michigan</i> , 103 F.4th 1186 (6th Cir. 2024)	14
<i>Ortega v. Grisham</i> , 148 F.4th 1134 (10th Cir. 2025)	17, 18
<i>Reese v. ATF</i> , 127 F.4th 583 (5th Cir. 2025)	13
<i>Rhode v. Bonta</i> , 145 F.4th 1090 (9th Cir. 2025)	16
<i>Rhode v. Bonta</i> , 159 F.4th 1170 (9th Cir. 2025)	16
<i>Rigby v. Jennings</i> , No. CV 21-1523 (MN), 2026 WL 2664371 (D. Del. Sept. 10, 2026).....	16
<i>Rocky Mountain Gun Owners v. Polis</i> , 121 F.4th 96 (10th Cir. 2024)	14
<i>Saia v. People of State of New York</i> , 334 U.S. 558 (1948)	10
<i>Sorrell v. IMS Health Inc.</i> , 564 U.S. 552 (2011)	12
<i>Teixeira v. County of Alameda</i> , 873 F.3d 670 (9th Cir. 2017).....	14

<i>United States v. Clerfe</i> , No. 24-2116, 2026 WL 2294460 (3d Cir. Aug. 10, 2026)	13
<i>United States v. Hemani</i> , 608 U.S. 772 (2026)	4
<i>United States v. Quiroz</i> , 629 F. Supp. 3d 511 (2022)	16
<i>United States v. Rahimi</i> , 602 U.S. 680 (2024)	6
<i>United States v. Vlha</i> , 142 F.4th 1194 (9th Cir. 2025)	14
<i>Wolford v. Lopez</i> , 146 S. Ct. 2032 (2026)	4, 5, 16
Statutes	
18 U.S.C. § 922(t)	17
Me. Stat. tit. 25, § 2016(2)	7
Other Authorities	
Antonin Scalia & Bryan A. Garner, <i>Reading Law: The Interpretation of Legal Texts</i> (2012)	8
David Luban, <i>The Warren Court and the Concept of a Right</i> , 34 Harv. C.R.-C.L. L. Rev. 7 (1999)	8
Jacob D. Charles, <i>Ancillary Rights</i> , 173 U. Pa. L. Rev. 1269 (2025)	8, 15, 16
Margot E. Kaminski, <i>Privacy and the Right to Record</i> , 97 B.U. L. Rev. 167 (2017)	10
Thomas M. Cooley, <i>General Principles on Constitutional Law</i> (1880)	9

INTEREST OF AMICUS CURIAE¹

The Buckeye Institute was founded in 1989 as an independent research and educational institution—a think tank—to formulate and promote free-market policy in the states. The Buckeye Institute accomplishes its mission by performing timely and reliable research on key issues, compiling and synthesizing data, formulating free-market policies, and marketing those policy solutions for implementation in Ohio and replication across the country. The Buckeye Institute also files lawsuits and submits amicus briefs to fulfill its mission. The Buckeye Institute is a nonpartisan, nonprofit, tax-exempt organization, as defined by I.R.C. section 501(c)(3).

The Buckeye Institute regularly weighs in on Second Amendment issues as part of its mission. It has submitted amicus briefs to this Court comparing Second Amendment rights to other constitutional rights, Amicus Curiae Brief of The Buckeye Institute, *Wolford v. Lopez*, 146 S. Ct. 2032 (2026) (24-1046), and outlining the need for the Court to correct lower courts underruling of *Bruen*, Amicus Curiae Brief of The Buckeye Institute, *Snope v. Brown*, 145 S. Ct. 1534 (2025) (24-203). And it also brings firearms cases in state courts. *Doe v. Columbus*, The Buckeye Institute,

¹ As required by Supreme Court Rule 37.6, no counsel for any party authored this brief in whole or in part and no entity or person, aside from amicus curiae made any monetary contribution toward the preparation or submission of this brief. Counsel timely provided the notice required by Rule 37.2.

<https://www.buckeyeinstitute.org/issues/detail/doe-v-columbus> (last visited Sep. 3, 2026).

SUMMARY OF THE ARGUMENT

A purchaser's Second Amendment rights are injured just as much by a restriction on the seller of a firearm as by a restriction on the purchaser directly. On its face, Maine's law regulates the seller. In reality, Maine's law prevents an already-approved buyer from having or carrying a firearm he is legally entitled to own. Maine cannot achieve through regulation of a third party what it could not impose directly on the purchaser. Nor does it matter that the deprivation is brief—*Bruen's* textual inquiry does not weigh the severity or duration of a burden, only whether the conduct falls within the right's plain text.

Even setting that argument aside, obtaining a firearm is itself protected because it is a necessary predicate to exercising Second Amendment rights. This Court and numerous lower courts have long recognized that enumerated rights implicitly protect the conduct without which they could not be exercised—training with a weapon, obtaining ammunition, paying for counsel of choice, receiving and reading information. State courts, as far back as the nineteenth century—and at least seven federal circuits today—have applied that same logic to the acquisition of firearms. Whether obtaining a firearm satisfies the plain text of the Second Amendment, or is an ancillary right under the Second Amendment, Maine's waiting period regulates conduct covered by the Second Amendment's text. The First Circuit wrongly concluded that *Bruen's* test was not implicated at all.

This case is a clean vehicle for resolving outstanding questions about how to apply *Bruen*. The circuits are split on whether restrictions on firearm acquisition implicate the Second Amendment’s text; the plaintiffs here include individuals, advocacy groups, and dealers; and the Court can decide the narrow question presented without touching on background-check regimes tied to eligibility determinations.

The Court should grant the petition and hold that taking possession of a firearm satisfies *Bruen*’s first step because it is conduct necessary to exercise the right to keep and bear arms.

ARGUMENT

I. Introduction

An infringement by any other means would pierce as deeply. Firearm restrictions that target the ability to take possession of a firearm inflict the same constitutional injury on the purchaser, even when the restriction targets the dealer. And such restrictions easily clear *Bruen*’s first step. The Court can view this case through two lenses; through either, the court below got it wrong.

First, by imposing a waiting period—even if it is facilitated through a restriction on a third party—the law directly infringes on the purchaser’s right to keep and bear arms by preventing them from possessing or carrying the firearm—that the purchaser is entitled to have—during the waiting period. In *Wolford*, the Court asked under the first *Bruen* step whether “the law place[s] any restrictions on either the ‘keeping’ (i.e., possession) or the ‘bearing’ (i.e., carrying) of

arms?” *Wolford v. Lopez*, 146 S. Ct. 2032, 2043 (2026) (cleaned up) (citation omitted). There can be no doubt that preventing an eligible purchaser from possessing or carrying their firearm during the waiting period would fall squarely within the plain text of the Second Amendment. The First Circuit was wrong to find otherwise.

Second, even if it mattered that the restriction was aimed at dealers rather than purchasers, the Court has protected ancillary conduct that is necessary to or facilitates the exercise of constitutional rights. The Court should do the same for indirect infringements of the Second Amendment. And it should require the same historical analysis that *Bruen* mandates.

The question before the Court is a narrow one about timing. Plaintiffs do not challenge, for example, the general practice of background checks. Nor do they challenge the use of other limits on purchasing firearms. “All that is before [the Court] is one, if surely ambitious, theory.” *United States v. Hemani*, 608 U.S. 772, 794 (2026). The government maintains that it may automatically strip law-abiding eligible citizens of their Second Amendment right to possess a firearm immediately following a purchase because some people may reconsider misusing their firearms. Because that theory is wrong, the Court should grant the petition.

II. Waiting periods clash with the plain text of the Second Amendment—regardless of whose conduct they target.

In *Bruen*, the Court held that the Constitution presumptively protects conduct covered by the Second Amendment’s plain text. *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 17, 24 (2022). The government may then defend the regulation only by showing that its regulation is “consistent with this Nation’s historical tradition of firearm regulation.” *Id.* at 17. The first question is therefore textual, not historical, and not a measure of how heavy the State considers the burden.

As this Court has said, to “keep arms” means to “have weapons.” *District of Columbia v. Heller*, 554 U.S. 570, 582 (2008). To “bear” arms means to “carry” them. *Id.* at 584. Taken together, these words “guarantee the individual right to possess and carry weapons in case of confrontation.” *Id.* at 592. In *Wolford*, the Court framed the first *Bruen* step in the same terms: whether “the law place[s] any restrictions on either the ‘keeping’ (i.e., possession) or the ‘bearing’ (i.e., carrying) of arms.” *Wolford*, 146 S. Ct. at 2043 (cleaned up) (citation omitted). A law that prevents an eligible purchaser from possessing or carrying the firearm he is entitled to have—for seventy-two hours, or for any other fixed span the legislature prefers—restricts both keeping and bearing.

The court below recognized this Court’s determination that the Second Amendment “guarantees an individual’s ability to keep and bear arms, which means to have and carry guns.” Pet. App. 14. The First Circuit reasoned, however, that Maine’s

law “does not address this conduct” because the wait “occurs before a person keeps or carries a gun.” *Id.* But the court misses the point—during the waiting period, the purchaser is *prohibited* from having the weapon and therefore cannot carry it. The statute prevents the people from exercising their right in principio. Maine is using its regulatory power over sellers to prevent purchasers from taking lawful possession of their firearms.

The brevity of the delay does not take the statute outside the text. *Bruen* does not ask at step one whether the restriction is “modest,” “brief,” or “a burden rather than an infringement.” Moreover, 72 hours is not a “brief” delay to a battered woman seeking a means to protect herself from an aggressive stalker. Balancing the “brevity” of the denial seeks to impose an interest-balancing that this Court has rejected. See *Bruen*, 597 U.S. at 17, 22–24; *United States v. Rahimi*, 602 U.S. 680, 691–92 (2024). If the plain text covers the conduct, the regulation is presumptively unconstitutional, and the State must justify it on historical grounds. The First Circuit never reached that inquiry because it first redefined the right so that delayed possession is not possession at all. But a three-day prohibition is still a prohibition, even if it has a sunset clause and targets a dealer.

This should not be a fringe case. This is not a case where the state is regulating a business’s operations, like how to store its inventory, keep its books, or comply with safety measures. Instead, the law is more like a State prohibiting the purchase of certain types of firearms. Maine’s law provides that “[a] seller may not knowingly deliver a firearm to a buyer pursuant to

an agreement sooner than 72 hours after the agreement.” Me. Stat. tit. 25, § 2016(2). As Maine admits, the purpose of this statute is to restrict purchasers’ access to firearms during the requisite period. See Pet. App. 2–6. Waiting periods like the one at issue here injure otherwise-eligible purchasers by prohibiting their acquisition of firearms. That directly clashes with the plain text of the Second Amendment.

III. Even if the waiting period here did not directly clash with the plain text of the Second Amendment, obtaining a firearm is a necessary action that satisfies *Bruen’s* first step.

That the plain text of the Second Amendment envisions obtaining a firearm to keep and bear should be enough to reverse the court below. But even if the court below were correct that obtaining a firearm falls outside of the plain text, this Court and lower courts have recognized ancillary rights necessary to engage in enumerated rights. The Court should grant the petition to recognize that regulations on purchasing a firearm satisfy *Bruen’s* first step.

A. This Court has protected ancillary conduct in order to protect enumerated constitutional rights.

This Court has recognized that sometimes restrictions presented as unconnected to an infringement on a constitutional right do, in fact, prevent the exercise of that right. In such instances, the Court has protected the enumerated right by safeguarding the conduct necessary to exercise it.

Many of the ancillary rights the Court has recognized should not be dismissed as “prophylactic rights.”

To be sure, some ancillary rights are prophylactic, in the sense that they are grounded at least in part on the notion that, “primary constitutional rights must often be hedged with derivative, prophylactic rights designed to forestall infringements before they happen.” But it would be a mistake to reduce all ancillary rights to the debates over prophylactic rules. Some extensions protect antecedent and necessary preconditions to the exercise of a right; they do not simply provide a protective hedge to create breathing room.

Jacob D. Charles, *Ancillary Rights*, 173 U. Pa. L. Rev. 1269, 1297 (2025) (quoting David Luban, *The Warren Court and the Concept of a Right*, 34 Harv. C.R.-C.L. L. Rev. 7, 17 (1999)). Protecting necessary ancillary conduct is consistent with the rules of legal interpretation. As Justice Scalia has explained, when “a text authorizes a certain act, it implicitly authorizes whatever is a necessary predicate of that act.” Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 96 (2012). Thus, “constitutional rights necessarily protect the prerequisites for their exercise.” *Luis v. United States*, 578 U.S. 5, 25 (2016) (Thomas, J., concurring in the judgment).

In the Second Amendment context, the Court has, though not explicitly, already recognized ancillary rights. In *Heller*, the Court invalidated a law requiring

that firearms in the home always be rendered inoperable. The Court explained that the law was unconstitutional because it “makes it impossible for citizens to use them for the core lawful purpose of self-defense.” *Heller*, 554 U.S. at 630. As the Pennsylvania Supreme Court recently noted, it is “difficult to ignore how closely this reasoning resembles the concept of ‘ancillary’ rights.” *Barris v. Stroud Twp.*, 310 A.3d 175, 206 (Pa. 2024). The *Heller* Court also indicated that leading scholars viewed the Second Amendment as protecting more than the text explicitly covers. The Court noted that Thomas Cooley “understood the right . . . as securing the [citizens’] militia by ensuring a populace familiar with arms.” *Heller*, 554 U.S. at 617. Cooley, in turn, reasoned that “to bear arms implies something more than the mere keeping; it implies the learning to handle and use them in a way that makes those who keep them ready for their efficient use.” Thomas M. Cooley, *General Principles on Constitutional Law* 271 (1880).

Members of the Court have likewise recognized ancillary Second Amendment rights elsewhere. In *N.Y. State Rifle & Pistol Ass’n, Inc. v. City of New York*, Justice Alito noted that the right to keep and bear arms includes “necessary concomitant[s]” such as the right “to take a gun to a range in order to gain and maintain the skill necessary to use it responsibly.” *N.Y. State Rifle & Pistol Ass’n, Inc. v. City of New York*, 590 U.S. 336, 364–365 (2020) (Alito, J., dissenting). And in *Luis*, Justice Thomas reasoned that the right to keep and bear arms “‘implies a corresponding right . . . to acquire and maintain proficiency in their use.’” *Luis*, 578 U.S. at 26 (Thomas, J., concurring in judgment) (citation omitted).

The Court has recognized these protections in the context of other rights as well. In the First Amendment context, the Court recognized that the First Amendment is “broad enough to encompass those rights that, while not unambiguously enumerated in the very terms of the Amendment, are nonetheless necessary to the enjoyment of other First Amendment rights.” *Globe Newspaper Co. v. Superior Court for Norfolk County*, 457 U.S. 596, 604 (1982) (citation omitted). See also *Minneapolis Star & Tribune Co. v. Minn. Comm’r of Revenue*, 460 U.S. 575 (1983) (holding use tax on costs of paper and ink consumed in production of publications violated the First Amendment by imposing a significant burden on freedom of the press); *Saia v. People of State of New York*, 334 U.S. 558, 561 (1948) (“Loud-speakers are today indispensable instruments of effective public speech.”). Professor Margot Kaminski has observed that the Court “has extended penumbral or corollary First Amendment protections not just to the act of printing a newspaper, but to various links in the distribution chain, including the distribution of handbills, acts of door-to-door solicitation, the operation of sound amplification equipment, and the placement of newspaper racks.” Margot E. Kaminski, *Privacy and the Right to Record*, 97 B.U. L. Rev. 167, 190 (2017). Professor Kaminski explains that the “First Amendment protects such corollary rights so that the government cannot prevent speech by targeting conduct that falls just outside, but is still necessary for, expression.” *Id.*

In *Griswold v. Connecticut*, the Court noted that “[t]he right of freedom of speech and press includes not only the right to utter or to print, but the right to

distribute, the right to receive, the right to read and freedom of inquiry, freedom of thought, and freedom to teach.” *Griswold v. Connecticut*, 381 U.S. 479, 482 (1965) (citations omitted). “Without those peripheral rights,” the Court noted, “the specific rights would be less secure.” *Id.* at 482–83. For example, speech does not meet its audience without the right to distribute or receive it. Without those ancillary rights, speech would be powerless. “Likewise, the First Amendment ‘right to speak would be largely ineffective if it did not include the right to engage in financial transactions that are the incidents of its exercise.’” *Luis*, 578 U.S. at 27 (Thomas, J., concurring in the judgment) (quoting *McConnell v. Federal Election Comm’n*, 540 U.S. 93, 252 (2003) (Scalia, J., concurring in part, concurring in judgment in part, and dissenting in part)).

In the context of the rights of school children to access library books, Justice Brennan wrote that “just as access to ideas makes it possible for citizens generally to exercise their rights of free speech and press in a meaningful manner, such access prepares students for active and effective participation in the pluralistic, often contentious society in which they will soon be adult members.” *Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853, 867–68 (1982) (plurality opinion). See also *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58 (1963) (invalidating Rhode Island’s informal censorship scheme designed to prohibit the distribution of certain books).

The same logic extends even to restrictions on commercial information, where the Court has protected not just the underlying right but also the

transactions necessary to exercise it. The Court has found restrictions on the sale of information to violate the First Amendment, where that information would be used to target communications. In *Sorrell v. IMS Health Inc.*, 564 U.S. 552 (2011), Vermont prohibited, subject to certain exceptions, the sale, disclosure, and use of pharmacy records that reveal the prescribing practices of individual doctors. The information could not be “sold, disclosed by pharmacies for marketing purposes, or used for marketing by pharmaceutical manufacturers.” *Id.* at 557. The Court recognized the inherent value in obtaining the information: “Knowledge of a physician’s prescription practices . . . enables a detailer better to ascertain which doctors are likely to be interested in a particular drug and how best to present a particular sales message.” *Id.* at 558. Thus, restrictions on obtaining that information inhibited the manufacturer’s ability to cater its speech in violation of the First Amendment.

The Court has also recognized ancillary rights in the Sixth Amendment context. For example, in *Luis*, the Court held that “the pretrial restraint of legitimate, untainted assets needed to retain counsel of choice violates the Sixth Amendment.” *Luis*, 578 U.S. at 10. The Court reasoned that adopting the opposite result “would undermine the value of that right by taking from [a defendant] the ability to use the funds she needs to pay for her chosen attorney.” *Id.* at 12. Put simply, money is necessary to exercise the right to chosen counsel, and the government cannot deprive a defendant of that ancillary right absent certain circumstances.

B. State and lower federal courts have long protected ancillary conduct to protect the right to keep and bear arms.

Both before and after *Bruen*, lower courts have recognized that to protect the right to keep and bear arms, certain conduct beyond the explicit text must also be protected.

In *Andrews v. State*, the Tennessee Supreme Court explained that the “right to keep arms, necessarily involves the right to purchase them, to keep them in a state of efficiency for use, and to purchase and provide ammunition suitable for such arms, and to keep them in repair.” *Andrews v. State*, 50 Tenn. 165, 178 (1871). One hundred and forty years later, the Seventh Circuit likewise recognized that the “right to possess firearms for protection implies a corresponding right to acquire and maintain proficiency in their use.” *Ezell v. City of Chicago*, 651 F.3d 684, 704 (7th Cir. 2011). The Seventh Circuit noted that “the core right wouldn’t mean much without the training and practice that make it effective.” *Id.* The Seventh Circuit is not alone; at least six other circuits recognize ancillary rights. See, e.g., *Gazzola v. Hochul*, 88 F.4th 186, 196 (2d Cir. 2023) (noting that pre-*Bruen* Second Circuit precedent recognized *Andrews* and observing that “restrictions that limit the ability of firearms owners to acquire and maintain proficiency in the use of their weapons” may violate the Second Amendment); *United States v. Clerfe*, No. 24-2116, 2026 WL 2294460, at *4 (3d Cir. Aug. 10, 2026) (similar); *Reese v. ATF*, 127 F.4th 583, 590 (5th Cir. 2025) (“[T]he right to ‘keep and bear arms’ surely implies the right to purchase them.”); *Oakland Tactical Supply, LLC v.*

Howell Twp., Michigan, 103 F.4th 1186, 1192 (6th Cir. 2024) (agreeing that “at least some training is protected” by the Second Amendment, “not as a matter of plain text, but because it is a necessary corollary to the right defined in *Heller*”); *United States v. Vlha*, 142 F.4th 1194, 1199 (9th Cir. 2025) (noting that the “ability to manufacture firearms facilitates individuals’ ability to buy firearms, which facilitates the core right to ‘keep and bear Arms’”); *Rocky Mountain Gun Owners v. Polis*, 121 F.4th 96, 118 (10th Cir. 2024) (noting that “[c]onstitutional rights may ‘implicitly protect those closely related acts necessary to their exercise,’” but not deciding if the conduct at issue was implicitly protected by the Second Amendment).

Indeed, the Ninth Circuit, ordinarily no mecca for firearms owners, recognized Second Amendment ancillary rights before *Bruen*, and continues to do so today. *Vlha*, 142 F.4th at 1198. The Ninth Circuit bases its protection of ancillary rights on the text of the Second Amendment. *Id.* Like other circuits, the Ninth Circuit has explained that the “Second Amendment right . . . ‘wouldn’t mean much’ without the ability to acquire arms.” *Teixeira v. County of Alameda*, 873 F.3d 670, 677 (9th Cir. 2017) (en banc) (quoting *Ezell*, 651 F.3d at 704)). The Ninth Circuit has found that the Second Amendment protects against regulations such as those eliminating a person’s ability to obtain or use ammunition because “without bullets, the right to bear arms would be meaningless.” *Jackson v. City & Cnty. of San Francisco*, 746 F.3d 953, 967 (9th Cir. 2014). See also Charles, *supra*, at 1295 (“In a world of laser guns (or where swords, stun guns, or knives were the sole or

dominant weapons) the necessary ingredients would look quite different, entailing different ancillary arms rights.”).

C. If the court below was correct that the waiting period falls outside the plain text of the Second Amendment, this Court should apply *Bruen*’s second step to conduct that is necessary to or facilitative of the right to keep and bear arms.

Even if the First Circuit were correct that a delivery delay is not itself “keeping” or “bearing” arms, the issue would persist. Such a reading only reclassifies the conduct: Acquisition becomes an ancillary right—conduct the Second Amendment does not name, but without which the named right cannot be exercised.

“Necessary ancillary rights, then, are those pre- or co-requisites without which the constitutionally-specified right cannot adequately function. A right to guns would be functionally meaningless without a right to ammunition, even though the right to ammunition is not itself separately enumerated in the text.” Charles, *supra*, at 1303. “Ancillary rights that facilitate the exercise of a constitutionally-specified right,” on the other hand, “are not strictly necessary, but they are protected when they are needed to ensure the right is not simply a parchment guarantee, but works effectively in the real world.” *Id.* at 1305.

Receipt of a firearm is a necessary ancillary right. A right to “have weapons,” presupposes a right to come into possession of them. See *Heller*, 554 U.S. at 582. “[T]he plain meaning of the verbs ‘have’ or ‘possess’

include the act of receipt. For example, ‘to have’ means ‘to be in possession of . . . something received.’ Therefore, ‘to have weapons’ would encompass the past receipt and the current possession of those weapons.” *United States v. Quiroz*, 629 F. Supp. 3d 511, 516 (2022). As the Tennessee Supreme Court’s opinion in *Andrews* evidences, our country has long recognized that the right to keep arms “necessarily involves the right to purchase them,” along with other ancillary rights. *Andrews*, 50 Tenn. at 178. Indeed, because ancillary rights related to the Second Amendment further its text, the Ninth Circuit has determined that protected ancillary rights satisfy the first *Bruen* step. See *Rhode v. Bonta*, 145 F.4th 1090, 1104–05 (9th Cir.), *reh’g en banc granted, opinion vacated*, 159 F.4th 1170 (9th Cir. 2025); accord *B & L Prods., Inc. v. Newsom*, 104 F.4th 108, 118 (9th Cir. 2024). See also *Rigby v. Jennings*, No. CV 21-1523 (MN), 2026 WL 2664371, at *10 (D. Del. Sept. 10, 2026) (finding that, as applied to ancillary conduct, because a restriction “applies to all people, concerns arms, and places at least some restrictions on keeping and bearing arms, it fails at *Bruen*’s first step” (citing *Wolford*, 146 S. Ct. at 2043)).

Therefore, if receiving a firearm can be forbidden while possessing one remains protected, “one would first need to break the law to exercise that right.” Charles, *supra*, at 1303. Maine’s law does not deviate far from that paradigm. It delays delivery rather than banning it—but the effect is the same. For 72 hours, the purchaser cannot keep or bear the arm because the State has forbidden anyone to hand it to him. That is a restriction on a necessary precondition of the right and thus restricts the right by restricting the ancillary

means of exercising it. As such, the first step of *Bruen* is satisfied, and courts should move to the second step.

IV. This case provides the Court with a good opportunity to explain the reach of the plain text analysis or, in the alternative, what test applies when the plain text is not directly invoked.

The Court can resolve this case without wading into the nuances of different waiting period regimes. For instance, because the restriction here applies to purchasers already known to be eligible to purchase the firearm, the Court need not address—and would not be questioning—laws like 18 U.S.C. § 922(t) that impose waiting periods pending investigations into a purchaser’s eligibility. Maine’s law is a flat prohibition on acquisition, regardless of the purchaser’s eligibility status. A ruling for Beckwith would not disturb background checks. It would simply confirm what *Bruen* already noted about shall-issue licensing: Eligibility screening confirms who may exercise the right. But it is not a license to postpone the right once that confirmation is complete.

As Beckwith explains, the circuits are split over what regulations on taking possession of a firearm fall within the Second Amendment’s plain text. The Tenth Circuit recently concluded that the “argument that limitations on firearm sales or transfers do not implicate the Second Amendment’s plain text is wrong.” *Ortega v. Grisham*, 148 F.4th 1134, 1144 (10th Cir. 2025). It found that the District Court’s analysis, “crediting what it saw as a minimal burden, circumvented *Heller*, *Bruen*, and *Rahimi*—landing right back at the ‘freestanding “interest-balancing”

approach’ that those cases explicitly rejected.” *Id.* Below, however, the First Circuit determined that Maine’s law “imposes conditions and qualifications on the commercial sale of firearms that do not directly restrict the textual rights protected by the Second Amendment.” Pet. App. 14. This clear split on a fundamental legal question should be reason enough to grant the petition.

But if the Court needs more, this case is brought to the Court by an eclectic mix of plaintiffs—individuals burdened by the law, non-profits helping abused women, and gun stores whose clients must wait before taking possession of their firearms. This mix not only shows a broad range of those affected by the law at issue but also assures the Court that it can address the legal issue without concern about jurisdictional questions.

As such, this case presents the Court with a good opportunity to clarify and synchronize the law.

CONCLUSION

Waiting periods are the next frontier for the Court to enter. Given the circuit split and the clean vehicle, the Court should not wait any longer. For the above reasons, the petition should be granted and the judgment reversed.

Respectfully submitted,

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