



U.S. Department of Justice

Office of the Solicitor General

The Solicitor General

Washington, D.C. 20530

July 25, 2025

The Honorable Mike Johnson
Speaker
U.S. House of Representatives
Washington, DC 20515

Re: *Reese v. ATF*, No. 23-30033 (5th Cir. Jan. 30, 2025)

Dear Mr. Speaker:


Consistent with 28 U.S.C. 530D, I write to advise you that the Department of Justice has decided not to file a petition for a writ of certiorari in the above-captioned case. A copy of the opinion of the U.S. Court of Appeals for the Fifth Circuit is enclosed.

Federal law prohibits federal firearms licensees from selling handguns directly to persons under the age of 21. See 18 U.S.C. 922(b)(1) and (c)(1). The plaintiffs in this case challenged that restriction as applied to 18-to-20-year-olds. The district court upheld the restriction, but the Fifth Circuit reversed, holding that the statute violates 18-to-20-year-olds' right to keep and bear arms under the Second Amendment.

The Department of Justice has determined that this case would not be an optimal vehicle for the Supreme Court to review the Second Amendment question at issue. Among other things, the case raises potential mootness issues. Two of the individual plaintiffs have turned 21, and a third may do so by the time the Supreme Court rules, rendering the statutory restriction inapplicable to them. The prospect of potential mootness before the Supreme Court is likely to issue a decision in the case presents a significant vehicle problem.

The Department has thus determined that a petition for a writ of certiorari in this case is not advisable. Please let me know if we can be of any further assistance in this matter.

Sincerely,



D. John Sauer
Solicitor General

Enclosure