

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION

SILENCER SHOP FOUNDATION, *et al.*,

Plaintiffs,

v.

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES, *et al.*,

Defendants.

No. 6:25-cv-56-H

DEFENDANTS' MOTION TO EXTEND BRIEFING DEADLINE

Defendants respectfully request a ten-day extension of their deadline to respond to the state plaintiffs' motion to clarify the Court's injunction, ECF No. 144, which is currently October 2, 2026.

On August 5, 2026, the Court issued an opinion that resolved the parties' cross-motions for summary judgment, holding that certain National Firearms Act ("NFA") requirements and prohibitions are unconstitutional insofar as they regulate short-barreled rifles and shotguns, suppressors, and the "any other weapons" class of firearms. *See* Mem. Op. & Order, ECF No. 136. With that opinion, the Court also entered a final judgment, which contained a permanent injunction against defendants. *See* Final Judgment, ECF No. 137. More than five weeks later, nine state plaintiffs filed a motion that asks that the Court clarify its injunction "in two respects: (1) whether the injunction applies statewide to all relevant transfers within the Plaintiff States; and (2) whether ATF must take any action to notify or identify individuals covered by the injunction." *See* Pl. States' Mot. for Clarification of Scope of Inj. Relief at 2.

Defendants require additional time to consider their position on the states' motion given two recent developments that bear on this matter. On September 24, 2026, the Solicitor General sent a

letter to Congress under 28 U.S.C. § 530D, advising “that the Department of Justice has determined not to file an appeal” in this case. *See* Ex. 1. Separately, the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) is currently working to finalize public guidance regarding the NFA. ATF’s guidance will likely inform defendants’ position on and the Court’s resolution of the states’ motion for clarification, and also may obviate the need for the Court to resolve certain issues that the motion raises (*e.g.*, whether ATF is required to provide certain guidance to federal firearms licensees).

The states informed defendants that they oppose the modest extension that defendants request, claiming that their residents would be prejudiced by any delay in this Court’s clarification of its injunction. But the states did not explain why, in their view, the need for the Court’s clarification is so urgent that it cannot accommodate a ten-day extension of defendants’ response, but was not so urgent that the states waited *37 days* before seeking this clarification. If the states’ motion truly raised some time-sensitive emergency, as their opposition to defendants’ modest extension request suggests, one would have expected the states to have promptly sought the Court’s clarification, at least after the parties conferred about the relevant issues on August 20. *See* Pl. States’ Mot. for Clarification of Scope of Inj. Relief at 2. The states’ own delay in seeking clarification thus refutes their assertion of prejudice.

Defendants appreciate the Court’s consideration. A proposed order is attached.

Dated: October 1, 2026

Respectfully submitted,

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/s/ Jody D. Lowenstein
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CERTIFICATE OF SERVICE

On October 1, 2026, I electronically submitted the foregoing document with the Clerk of Court for the U.S. District Court, Northern District of Texas, using the Court's electronic case filing system. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Jody D. Lowenstein
JODY D. LOWENSTEIN
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U.S. Department of Justice