

The Second Amendment at the Supreme Court: Challenges to Federal Gun Laws

Updated November 24, 2025

Ratified in 1791, the [Second Amendment](#) provides, “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” For over two hundred years, the Supreme Court remained largely silent on the Second Amendment. In a series of relatively recent decisions, however, the Court has provided guidance on the substance and scope of this constitutional provision.

In 2008, in *District of Columbia v. Heller*, the Supreme Court [held](#) that the Second Amendment protects an individual right to possess firearms for certain purposes, including at least self-defense in the home. Two years later, in *McDonald v. City of Chicago*, the Court [determined](#) that the right to bear arms applies not only to laws imposed by the federal government, but also to laws enacted at the state and local levels. In 2016, in *Caetano v. Massachusetts*, the Court in a brief opinion [clarified](#) that “arms” within the meaning of the Second Amendment encompasses modern arms, including stun guns, that did not exist at the time of the founding.

In 2022, the Supreme Court in *New York State Rifle & Pistol Association v. Bruen* resolved two of the questions left open by the preceding decisions:

- Does the right to bear arms extend beyond the home?
- and
- How are courts to properly analyze purported infringements of this right?

In *Bruen*, the Court [held](#) that the protections of the Second Amendment extend beyond the home generally to places of confrontation. The *Bruen* Court also announced the [standard](#) to be used in assessing Second Amendment challenges to firearm laws: When the plain text of the Second Amendment covers the regulated conduct, the Constitution “presumptively protects” it. To justify a regulation of that conduct, the government must demonstrate that a challenged law “is consistent with the Nation’s historical tradition of firearm regulation.”

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LSB11108

Following *Bruen*, plaintiffs filed a number of legal actions contesting various federal and state firearm laws. Some of these cases involved challenges to long-standing provisions of the federal Gun Control Act prohibiting certain categories of individuals from possessing firearms:

- In *United States v. Rahimi*, the U.S. Court of Appeals for the Fifth Circuit [invalidated 18 U.S.C. § 922\(g\)\(8\)](#), which prohibits individuals subject to certain domestic violence restraining orders from possessing firearms, as facially unconstitutional.
- In *United States v. Daniels*, the Fifth Circuit [held](#) that [Section 922\(g\)\(3\)](#), which prohibits any person “who is an unlawful user of or addicted to any controlled substance” from possessing firearms, was unconstitutional as applied to the defendant.
- In *Range v. Attorney General*, the Third Circuit [concluded](#) that [18 U.S.C. § 922\(g\)\(1\)](#), which makes it unlawful for felons to possess firearms, was unconstitutional as applied to a defendant whose past felony was a nonviolent fraud offense.

On June 21, 2024, the Supreme Court reversed the Fifth Circuit’s ruling in *Rahimi*, [holding](#) that Section 922(g)(8) is not facially unconstitutional under the Second Amendment. The Court [reasoned](#) that sufficient historical support existed for the principle that “[w]hen an individual poses a clear threat of physical violence to another, the threatening individual may be disarmed” temporarily.

The Supreme Court granted the petitions in *Daniels* and *Range*, vacated the corresponding circuit court opinions, and [remanded](#) the two cases back to the circuit courts for further consideration in light of *Rahimi*. On remand, the Fifth Circuit in *Daniels*, and the Third Circuit in *Range*, again concluded that Section 922(g)(3) and Section 922(g)(1), respectively, are unconstitutional as applied to the respective defendants.

This Sidebar is designed to serve as a guide to selected Second Amendment cases at the Supreme Court involving federal statutes and regulations. The Sidebar does not discuss cases that challenge federal firearms statutes or regulations on some other legal basis.

As of this writing, the Court has granted two new Second Amendment cases for review. What follows is a list of (1) the two cases that the Court has accepted for review; (2) petitions involving the Second Amendment that the federal government has filed with the Court (which [may](#) be more likely to be granted relative to petitions filed by other parties); and (3) pending petitions for review, involving Second Amendment challenges to federal statutes or regulations, that have been filed with the Court by non-federal-government parties.

Cases are listed with identifying information and brief descriptions. The Sidebar concludes with considerations for Congress.

Petitions Accepted by the Supreme Court

The Supreme Court has granted certiorari in two Second Amendment cases:

- [Wolford v. Lopez](#), No. 24-1046: (1) “Whether the Ninth Circuit erred in holding, in direct conflict with the Second Circuit, that Hawaii may presumptively prohibit the carry of handguns by licensed concealed carry permit holders on private property open to the public unless the property owner affirmatively gives express permission to the handgun carrier?”; and (2) “Whether the Ninth Circuit erred in solely relying on post-Reconstruction Era and later laws in applying *Bruen*’s text, history and tradition test in direct conflict with the holdings of the Third, Fifth, Eighth and Eleventh Circuits?”
- [United States v. Hemani](#), No. 24-1234: “Whether [18 U.S.C. § 922\(g\)\(3\)](#), the federal statute that prohibits the possession of firearms by a person who ‘is an unlawful user of or

addicted to any controlled substance,’ violates the Second Amendment as applied to respondent.” (In the petition, the United States [asserted](#) that the respondent “told the FBI that he used marijuana about every other day.”)

Pending Petitions Filed by the Federal Government

The United States has filed two other petitions that present the same question at issue in *Hemani*:

- [United States v. Daniels](#), No. 24-1248.
- [United States v. Sam](#), No. 24-1249.

It is possible that the Court will grant these petitions, vacate the underlying decisions, and remand the cases to the circuit level in light of the eventual decision in *Hemani*, as the Court did with *Daniels* following the ruling in *Rahimi*.

In both the [Daniels](#) and [Sam](#) petitions, the United States argued that *Hemani* is a “better vehicle” for the Court to address the constitutionality of Section 922(g)(3) because, according to the federal government, *Daniels* suffers from a “[procedural wrinkle](#),” and compared to *Sam*, the record in *Hemani* contains [greater detail](#) on the defendant’s drug use. As such, the United States [recommended](#) that the Court grant the petition in *Hemani*, hold the *Daniels* and *Sam* petitions, and then dispose of them as appropriate following the ruling in *Hemani*.

Pending Petitions Filed by Other Parties Involving Federal Statutes

This section lists petitions filed by nongovernmental parties involving federal statutes. As such, excluded from this list are any petitions contesting the constitutionality of state laws, such as state bans on the possession of particular semiautomatic weapons.

With this federal focus in mind, nongovernmental parties have brought their own challenges to the constitutionality of [18 U.S.C. § 922\(g\)\(3\)](#):

- [Harris v. United States](#), No. 25-372.
- [Sanchez v. United States](#), No. 25-6008.

Parties also have mounted challenges to the “felon-in-possession” statute, [18 U.S.C. § 922\(g\)\(1\)](#). A primary issue in these cases is whether, under *Bruen*, individuals convicted of nonviolent felonies may be prohibited from possessing firearms under Section 922(g)(1):

- [Vincent v. Bondi](#), No. 24-1155.
 - [Mayfield v. United States](#), No. 24-7400.
 - [Medrano v. United States](#), No. 24-7508.
 - [Zherka v. United States](#), No. 25-269.
 - [Duarte v. United States](#), No. 25-425.
 - [Collins v. Bondi](#), No. 25-458.
 - [Willis v. United States](#), No. 25-5009.
 - [Graves v. United States](#), No. 25-5124.
 - [Howard v. United States](#), No. 25-5220.
 - [Marshall v. United States](#), No. 25-5259.
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- *Reese v. United States*, No. 25-5327.
- *Beaird v. United States*, No. 25-5343.
- *Compton v. United States*, No. 25-5358.
- *Osborne v. United States*, No. 25-5382.
- *Cantu v. United States*, No. 25-5388.
- *Williams v. United States*, No. 25-5415.
- *Mitchell v. United States*, No. 25-5417.
- *Hernandez v. United States*, No. 25-5421.
- *Kearney v. United States*, No. 25-5424.
- *Terry v. United States*, No. 25-5433.
- *Thompson v. United States*, No. 25-5434.
- *Fowler v. United States*, No. 25-5437.
- *Finney v. United States*, No. 25-5438.
- *Greene v. United States*, No. 25-5439.
- *Perry v. United States*, No. 25-5441.
- *Crews v. United States*, No. 25-5443.
- *Adams v. United States*, No. 25-5467.
- *Thomas v. United States*, No. 25-5477.
- *Olivas v. United States*, No. 25-5481.
- *Haynes v. United States*, No. 25-5482.
- *Truex v. United States*, No. 25-5485.
- *Roland v. United States*, No. 25-5500.
- *Scott v. United States*, No. 25-5503.
- *Barry v. United States*, No. 25-5510.
- *Betancourt v. United States*, No. 25-5514.
- *Garcia v. United States*, No. 25-5516.
- *Moore v. United States*, No. 25-5522.
- *Carbajal v. United States*, No. 25-5535.
- *Branson v. United States*, No. 25-5565.
- *Alvarez v. United States*, No. 25-5566.
- *Bush v. United States*, No. 25-5597.
- *Seward v. United States*, No. 25-5599.
- *Mason v. United States*, No. 25-5601.
- *Campbell v. United States*, No. 25-5603.
- *Gilbert v. United States*, No. 25-5607.
- *Coleman v. United States*, No. 25-5614.
- *Brown v. United States*, No. 25-5624.
- *Chafin v. United States*, No. 25-5626.
- *Coles v. United States*, No. 25-5627.

- *Allen v. United States*, No. 25-5655.
- *Sternquist v. United States*, No. 25-5656.
- *Royal v. United States*, No. 25-5658.
- *Town v. United States*, No. 25-5667.
- *Coleman v. United States*, No. 25-5668.
- *Shoffner v. United States*, No. 25-5678.
- *Robinson v. United States*, No. 25-5707.
- *Ketzner v. United States*, No. 25-5708.
- *Brown v. United States*, No. 25-5731.
- *Kimble v. United States*, No. 25-5747.
- *Lee v. United States*, No. 25-5748.
- *Staley v. United States*, No. 25-5850.
- *Robinson v. United States*, No. 25-5903.
- *Contreras v. United States*, No. 25-5909.
- *Espinal v. United States*, No. 25-5916.
- *Anderson v. United States*, No. 25-5946.
- *Owens v. United States*, No. 25-5952.
- *Parker v. United States*, No. 25-5999.
- *Hill v. United States*, No. 25-6026.
- *Bain v. United States*, No. 25-6027.
- *Miller v. United States*, No. 25-6054.
- *Morgan v. United States*, No. 25-6062.
- *LeBlanc v. United States*, No. 25-6063.
- *Stokes v. United States*, No. 25-6064.
- *Whitaker v. United States*, No. 25-6078.
- *Morelock v. United States*, No. 25-6079.
- *Isaacson v. United States*, No. 25-6105.
- *Gonzalez v. United States*, No. 25-6106.
- *Johnson v. United States*, No. 25-6107.
- *Granger v. United States*, No. 25-6122.
- *Williams v. United States*, No. 25-6129.

Some petitions raise challenges to the age restrictions under 18 U.S.C. § 922(b)(1), which forbids licensed dealers and others from selling or delivering “any firearm or ammunition” to anyone under eighteen years of age or, “if the firearm, or ammunition is other than a shotgun or rifle, or ammunition for a shotgun or rifle,” to anyone under twenty-one years of age:

- *Paris v. Lara*, No. 24-1329.
- *McCoy v. Bureau of Alcohol, Tobacco, Firearms, and Explosives*, No. 25-24.
- *West Virginia Citizens Defense League, Inc. v. Bureau of Alcohol, Tobacco, Firearms, and Explosives*, No. 25-132.

- *Picon v. United States*, No. 25-5713.

Finally, with respect to specific arms subject to federal law, petitioners have raised the following questions:

- *Rush v. United States*, No. 24-1259: “Whether the Second Amendment secures the right to possess unregistered short-barreled rifles that are in common use for lawful purposes.”
- *Stredl v. United States*, No. 25-5142: “Whether under [*Bruen*], [federal] prosecution for possession of homemade unregistered firearms that were in common use at the time of the founding violates the Second Amendment.”
- *Robinson v. United States*, No. 25-5150: “Whether federal criminal punishment of the possession of an unregistered short-barreled rifle violates the Second Amendment,” and “Whether federal criminal punishment of the possession of an unregistered short-barreled rifle exceeds Congress’s power to tax under Article I, section 8, clause 1 of the Constitution and violates the Tenth Amendment.”
- *Morgan v. United States*, No. 25-6055: “Whether a handgun and handheld pistol that fire automatically constitute ‘arms’ under the Second Amendment’s plain text, thus requiring the government to justify the machinegun possession prohibition under [18 U.S.C. § 922\(o\)\(1\)](#) by demonstrating that it is consistent with the Nation’s historical tradition of firearm regulation.”

Considerations for Congress

A Supreme Court decision on the two granted cases, and on any aforementioned petitions that the Court accepts for review, could inform and impact the statutory framework Congress has enacted to regulate firearms. The opinions may further clarify the status of existing federal firearms laws and the permissible bounds of any future firearms legislation. Parallel developments in the courts of appeals may also offer further guidance for Congress on the constitutional standard established in *Bruen* and applied in *Rahimi*.

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