

No. 24-6879

In the Supreme Court of the United States

ZACHARY MICHAEL LINAN, PETITIONER

v.

UNITED STATES OF AMERICA, RESPONDENT

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

SUPPLEMENTAL BRIEF FOR THE PETITIONER

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SUPPLEMENTAL BRIEF FOR THE PETITIONER

Petitioner respectfully submits this supplemental brief under Supreme Court Rule 15.8 to clarify a critical fact in light of recent executive-branch action which urges judicial guidance. Specifically, the predicate felony which subjected Mr. Linan to a mandatory minimum sentence under 18 U.S.C. § 922(g)(1) was nonviolent, and the Trump administration has recently issued an interim rule focused on restoring firearm rights to nonviolent felons. Therefore, Mr. Linan’s case presents a relatively clean, constitutionally significant vehicle for clarifying whether Congress, under *New York State Rifle & Pistol Ass’n v. Bruen*, 142 S. Ct. 2111 (2022), may permanently disarm individuals whose sole predicate felony conviction was nonviolent, absent any historical analogue. Furthermore, this case presents a good opportunity to resolve the growing disagreement among the circuits regarding the constitutionality of 18 U.S.C. § 922(g)(1) as applied to nonviolent felons, including conflicting approaches recently seen in the Third and Fifth Circuits.

1. The predicate felony in this case was nonviolent.

Mr. Linan’s sole prior felony conviction involved a nonviolent offense, specifically, unauthorized use of a motor vehicle under Texas law—a property crime

not involving violence, threat, or use of force. His crime was not a crime of violence under any federal statutory definition, distinguishing Mr. Linan from individuals like the respondent in *United States v. Rahimi*, 143 S. Ct. 2688 (2023), whose disarmament was based on active domestic violence and a history of dangerous conduct. In contrast, Mr. Linan’s alleged involvement in a separate incident involving a firearm was addressed only at sentencing and never resulted in a charge or federal conviction other than § 922(g)(1). No jury ever found Mr. Linan guilty of attempted murder or any violent felony. He agreed to plead guilty to 18 U.S.C. § 922(g)(1), but the government presented no ballistics or forensic evidence to substantiate the most serious allegations. Despite these facts, the sentencing court applied a significant enhancement, treating Mr. Linan as if he had committed attempted murder, producing a sentence of 180 months under § 922(g)(1) and transforming a nonviolent felon into a category of offender historically excluded from the Second Amendment only under strained modern interpretations.¹

¹ Petitioner is aware that the Presentence Investigation Report (PSR) references other alleged conduct and pending state charges, most of which appear to arise from the same incident as Mr. Linan’s federal offense. However, the only felony conviction before this Court is for possession of a firearm by a felon under 18 U.S.C. § 922(g)(1), which is based solely on a nonviolent predicate offense—unauthorized use of a motor vehicle under Texas law. These additional allegations should not be material to the legal issue presented in this petition, which challenges the constitutionality of applying § 922(g)(1) to individuals convicted of nonviolent felonies under *New York State Rifle & Pistol Ass’n v. Bruen*, 142 S. Ct. 2111 (2022).

2. This case presents a good vehicle for applying *Bruen* to § 922(g)(1).

Unlike other § 922(g)(1) petitioners, Mr. Linan does not present the Court with complicating factors such as multiple prior felony convictions. The only basis for his disarmament was a single, nonviolent felony conviction. While the Court has not yet squarely addressed whether permanent disarmament of felons convicted of nonviolent felonies is consistent with the Second Amendment’s text and history, *Bruen* instructs that the government must justify firearm prohibitions by reference to historical tradition. There is no such tradition of disarming nonviolent felons absent individualized findings of dangerousness or threat to public safety.

Recent executive-branch action reinforces the need for judicial guidance. In March 2025, the Trump administration issued an interim rule aimed at restoring gun rights to nonviolent felons through a new DOJ-administered review process.² This policy shift reflects growing recognition—even at the highest levels of federal law enforcement—that § 922(g)(1)’s lifetime ban may be overbroad, particularly when applied to individuals like Mr. Linan.

Although this DOJ policy action technically predates the filing of the petition by approximately two weeks, petitioner did not rely on it in the original submission.

² See Rebecca Beitsch, *DOJ Creating Path for People with Criminal Convictions to Again Own Guns*, The Hill (Mar. 20, 2025), <https://thehill.com/homenews/administration/5205204-justice-department-gun-rights-criminal-convictions/>.

It is cited here not as an “intervening matter” in the strictest sense but as relevant and evolving context which underscores the timeliness and importance of the constitutional question presented. Moreover, because the policy is part of an ongoing and rapidly developing administrative shift, its implications continue to unfold, reinforcing the need for judicial guidance on the constitutional limits of 18 U.S.C. § 922(g)(1) as applied to nonviolent felons in the post-*Bruen* landscape.

The Department of Justice’s shifting positions on § 922(g)(1), including its prior concession that nonviolent felons retain Second Amendment rights, create uncertainty that undermines core principles of finality and fair notice and make judicial resolution of this constitutional question all the more imperative. Shifting prosecutorial interpretations of § 922(g)(1)—especially those now emanating from DOJ itself—erode the stability and uniformity this Court has long sought to protect. Finality, fair notice, and the appearance of even-handed justice all demand this Court’s review.

3. The government has waived its response.

Notably, the United States has waived its right to respond. As a result, the Court lacks the benefit of adversarial briefing on this important constitutional

issue. That silence should not obscure the unique facts of this case or the clear opportunity it presents to resolve the scope of § 922(g)(1) after *Bruen*.

Conclusion

For the foregoing reasons and those stated in the petition for a writ of certiorari, the Court should grant the petition and resolve the constitutionality of § 922(g)(1) as applied to nonviolent felons like Mr. Linan.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2025, a copy of the foregoing supplemental brief under Supreme Court Rule 15.8 was served via U.S. mail on:

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