

No. _____

IN THE
Supreme Court of the United States

JEFFREY M. JOHNSON, SR.,

Petitioner

v.

BOB JACOBSON,
in his official capacity as
Commissioner of the Minnesota
Department of Public Safety,

Respondent.

*On Petition for Writ of Certiorari to the United
States Court of Appeals for the Eighth Circuit*

Petition for a Writ of Certiorari

Ryan Morrison
Counsel of Record
Liberty Justice Center
1629 K St., N.W., Ste. 300
Washington, D.C. 20006
512-481-4400
rmorrison@ljc.org

Questions Presented

1. Whether Americans must obtain a firearm license from each state to exercise their Second Amendment rights across the Nation.
2. Whether state firearm license reciprocity statutes that do not recognize firearm licenses issued by all other states are valid under *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022).

Parties to the Proceeding

Petitioner Jeffrey M. Johnson, Sr. was Plaintiff-Appellant in the court below.

Respondent Bob Jacobson, Commissioner of the Minnesota Department of Public Safety, was Defendant-Appellee in the court below.

Statement of Related Proceedings

The following proceedings are directly related to this case within the meaning of Rule 14:

- *McCoy and Johnson v. Jacobson*, No. 25-3036, United States Court of Appeals for the Eighth Circuit. Judgment entered on May 26, 2026;
- *McCoy and Johnson v. Jacobson*, No. 25-cv-54, United States District Court for the District of Minnesota. Judgment entered on September 11, 2025.

Table of Contents

Questions Presented	i
Parties to the Proceeding	ii
Statement of Related Proceedings.....	ii
Table of Contents	iii
Table of Authorities.....	v
Introduction.....	1
Opinions Below.....	3
Jurisdiction.....	3
Provisions Involved	4
Statement of the Case.....	4
A. Factual Background	4
B. Procedural History	5
Reasons for Granting the Writ	7
I. States cannot turn the Second Amendment into a second-class right.....	8
II. State firearm reciprocity statutes must recognize firearm licenses from other states under <i>Bruen</i>	13
A. Refusing to recognize another state’s firearm license affects conduct covered by the plain text of the Second Amendment.....	13

B. America does not have a historic tradition of denying Second Amendment rights to proven, ordinary, law-abiding citizens.....	22
Conclusion	26

Appendix Index

Appendix A Opinion of the United States Court of Appeals for the Eighth Circuit (May 26, 2026).....	1a
Appendix B Opinion of the United States District Court for the District of Minnesota (Sept. 11, 2025)	7a
Appendix C Minn. Stat. § 624.714, subd. 16.....	26a

Table of Authorities

Cases

<i>District of Columbia v. Heller</i> , 554 U.S. 570 (2008).....	2, 14
<i>Hawkins v. Moss</i> , 503 F.2d 1171 (4th Cir. 1974)	7, 8
<i>N.Y. State Rifle & Pistol Ass’n v. Bruen</i> , 597 U.S. 1 (2022)i, iii, 1–3, 6, 8–11, 13, 14, 17, 19– 24	
<i>United States v. Hemani</i> , 608 U.S. ___, 146 S. Ct. 1677 (2026)	13
<i>United States v. Rahimi</i> , 602 U.S. 680 (2024).....	14, 23–26
<i>Wolford v. Lopez</i> , 609 U.S. ___, 146 S. Ct. 2032 (2026) 2, 8–10, 14, 15, 17–23, 27	

Constitutional Provisions

U.S. Const. amend. II. i, 2–5, 7–9, 11–14, 16–21, 23, 27	
---	--

Statutes

28 U.S.C. § 1254	5
28 U.S.C. § 1291	5
28 U.S.C. § 1331	4
Ala. Code §13A-11-75	11, 12
Alaska Stat. § 18.65.705	11, 12
Ariz. Rev. Stat. §13-3112	11, 12
Ark. Code § 5-73-309	11, 12
Cal. Penal Code § 26202.....	11, 12

Colo. Rev. Stat. § 18-12- 205.....	11, 12
Conn. Gen. Stat § 29-28	11, 12
Del. Code tit. 11, § 1441	11, 12
D. C. Code § 7-2502.03	11, 12
D. C. Code § 7-2502.07	11, 12
D. C. Code § 7-2509.02	11, 12
Fla. Stat. §790.06	11, 12
Ga. Code Ann. §16-11-129.....	11, 12
Haw. Rev. Stat. § 134-9.....	11, 12
Idaho Code § 18-3302	11, 12
430 Ill. Comp. Stat. § 66/35.....	11, 12
Ind. Code §35-47-2-3	11, 12
Iowa Code §724.7.....	11, 12
Iowa Code §724.8.....	11, 12
Iowa Code §724.11A	16
Kan. Stat. § 75-7c05(d).....	11, 12
Ky. Rev. Stat. § 237.110(3).....	11, 12
La. Rev. Stat. § 40:1379.3(K)	11, 12
Me. Rev. Stat., Tit. 25, §2003.....	11, 12
Md. Code, Pub. Safety § 5-305	11, 12
Mass. Gen. Laws ch. 140, 121F	11, 12
Mich. Comp. Laws Serv. § 28.422.....	11, 12
Mich. Comp. Laws Serv. § 28.425b.....	11, 12
Minn. Stat. § 624.714 subd. 1a	16
Minn. Stat. § 624.714 subd. 2	21

Minn. Stat. § 624.714 subd. 2a	21
Minn. Stat. § 624.714 subd. 3	21
Minn. Stat. § 624.714 subd. 4	21
Minn. Stat. § 624.714 subd. 6	21
Minn. Stat. § 624.714 subd. 16	5, 20, 21
Miss. Code § 45-9-101.....	11, 12
Mo. Rev. Stat. § 571.101	11, 12
Mont. Code § 45-8-312.....	11, 12
Mont. Code § 45-8-322.....	11, 12
Neb. Rev. Stat. § 69-2431.....	11, 12
Nev. Rev. Stat. § 202.366	11, 12
N.H. Rev. Stat. § 159:3.....	11, 12
N.H. Rev. Stat. § 159:3-a.....	11, 12
N.H. Rev. Stat. § 159:6.....	11, 12
N.H. Rev. Stat. § 159:12.....	11, 12
N.J. Stat. § 2C:58-4	11, 12
N.M. Stat. § 29-19-4	11, 12
N.Y. Penal Law § 400.00.....	11, 12
N.C. Gen. Stat. § 14-415.13.....	11, 12
N.D. Cent. Code § 62.1-04-03.....	11, 12
N.D. Cent. Code § 62.1-04-03.1	16
Ohio Rev. Code § 5122.311.....	11, 12
Okla. Stat. tit. 21, § 1290.12.....	11, 12
Ore. Rev. Stat. §166.291	11, 12
18 Pa. Cons. Stat. §6109	11, 12

R.I. Gen. Laws § 11-47-11	11, 12
S.C. Code § 23-31-215.....	11, 12
S.D. Codified Laws § 23-7-7	11, 12
S.D. Codified Laws § 23-7-7.3	16
Tenn. Code § 39-17-1351.....	11, 12
Tex. Gov't Code § 411.172	11, 12
Utah Code § 53-5a-303.....	11, 12
Va. Code Ann. § 18.2-308.02	11, 12
Va. Code Ann. § 18.2-308.04	11, 12
Va. Code Ann. § 18.2-308.09.....	11, 12
Wash. Rev. Code §9.41.070	11, 12
W. Va. Code § 61-7-4	11, 12
Wis. Stat. §165.25.....	16
Wis. Stat. §175.60.....	11, 12
Wyo. Stat. Ann. §6-8-104	11, 12

Rules of Procedure

Fed. R. Civ. P 12(b)(6)	7
-------------------------------	---

Other Authorities

Minnesota Permit to Carry frequently asked questions, https://dps.mn.gov/divisions/bca/public-services-bca/firearms-information/permit-carry/permit-carry-faq	18, 19
North Dakota Reciprocity with other states, https://attorneygeneral.nd.gov/public-safety/concealed-weapon-licenses-2/reciprocity-with-other-states/ ..	15

South Dakota reciprocity grid, https://sdsos.gov/ general-services/concealed-pistol-permits/docs/ Concealed% 20Carry% 20Reciprocity%20(grid).pdf	15
Wisconsin CCW Reciprocity, https://www.wisdoj.gov/ Pages/PublicSafety/concealed-carry-weapon- reciprocity.aspx	15

Introduction

“The constitutional right to bear arms in public for self-defense is not a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees.” *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 70 (2022) (internal quotation marks omitted).

The Eighth Circuit disagrees.

In the Eighth Circuit’s view, an individual’s Second Amendment rights are confined to the borders of the state of where he holds a firearm permit. No matter how many times an ordinary law-abiding citizen proves his worth through a state’s firearm licensing process, another state can force him to do it again before he can exercise his “constitutional right to bear arms in public for self-defense.” *Id.*

No other constitutional right is treated this way. The Eighth Circuit’s uber-federalism view of the right to bear arms is inapposite to the fact that “the Second Amendment has the same meaning in all parts of the United States.” *Wolford v. Lopez*, 609 U.S. __, __, 146 S. Ct. 2032, 2050 (2026).

In the Eighth Circuit’s view, forfeiting the right to bear arms because the state that issued your firearm permit is not on another state’s reciprocity list falls outside of the Second Amendment’s text. However, the impact on an unrecognized license holder is just like the effect that Hawaii’s firearm law had on *Wolford*’s hypothetical “woman who wanted to carry a weapon to defend herself from a violent ex-boyfriend,” 609 U.S. at __, 146 S. Ct. at 2048, except on a larger geographic scale.

Here, petitioner Jeffrey M. Johnson, Sr., is a long-haul truck driver that travels across the United States and makes regular, annual trips to or through Minnesota. He has licenses to carry firearms issued by Florida and Georgia. Because of the dangers posed to long-haul truck drivers, Johnson always carries a handgun with him for self-defense. But when he travels to Minnesota, state law requires him to unload his weapon and secure it in a container because Minnesota does not grant firearm license reciprocity to fifteen states, including Florida and Georgia.

The Eighth Circuit ruled that Minnesota had the right to force Johnson to submit to its licensing process and obtain a third license before carrying a firearm in that state. It also ruled that the suspension of Johnson's right to bear arms for self-defense, because of the unrecognized status of his firearm permits, was not a government action that fell within the text of the Second Amendment (*Bruen* step one). But the Eighth Circuit is wrong.

The *Bruen* Court endorsed the requirement of "a background check" to "ensure only that those bearing arms in the jurisdiction are, in fact, 'law-abiding, responsible citizens.'" 597 U.S. at 38 n.9. But once this Reaganesque "trust but verify" test for exercising Second Amendment rights is met and someone has proven that he is a "law-abiding, responsible citizen," *id.* (quoting *District of Columbia v. Heller*, 554 U. S. 570, 635 (2008)), he should not be compelled to continuously prove his qualifications as he travels across the country. This is especially true because each licensing state has nearly identical licensing processes. To hold otherwise subjects the Second Amendment "to an entirely different body of rules

than the other Bill of Rights guarantees.” *Bruen*, 597 U.S. at 70. And it forces Americans to carry a rolodex of firearm licenses so that they can exercise their constitutional rights across the country.

This is not a simple case about whether the Eighth Circuit misread *Bruen*. It is about whether the Second Amendment can be reduced to a state-line lottery—a right that vanishes and reappears depending on which government happens to recognize a citizen's credentials at a given moment. No other enumerated constitutional right works this way, and only this Court can say whether the Second Amendment may be treated differently.

Finally, because state reciprocity statutes affect conduct covered by the plain text of the Second Amendment and because they are not consistent with this Nation’s historical tradition of firearm regulation, they are unconstitutional.

The Court should grant this petition.

Opinions Below

The Eighth Circuit’s decision (App. 1a–6a) is reported at 176 F.4th 1055. The district court’s decision (App. 7a–25a) is reported at 804 F. Supp. 3d 927.

Jurisdiction

The district court had jurisdiction under 28 U.S.C. § 1331 because the claim presents a federal question arising under the Second Amendment of the U.S. Constitution.

On September 11, 2025, the district court issued an opinion granting Defendant-Respondent’s motion to dismiss. App. 25a.

The Eighth Circuit had jurisdiction over the appeal under 28 U.S.C. § 1291 because the district court's judgment was a final decision.

On May 26, 2026, the Eighth Circuit entered its judgment. App. 1a.

This Court has jurisdiction under 28 U.S.C. § 1254(1).

Provisions Involved

The Second Amendment states: "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."

The law at issue, Minnesota's firearm license reciprocity statute (Minn. Stat. § 624.714, Subd. 16(a)), states:

The commissioner must annually establish and publish a list of other states that have laws governing the issuance of permits to carry weapons that are not similar to this section. The list must be available on the Internet. A person holding a carry permit from a state not on the list may use the license or permit in this state subject to the rights, privileges, and requirements of this section.

App. 26a.

Statement of the Case

A. Factual Background.

Johnson is an undisputed "law-abiding citizen with no history of violent behavior and is not otherwise disqualified from obtaining a Minnesota" firearm license. App. 11a. He works as a long-haul

truck driver, which causes him to travel across the United States including several trips to Minnesota each year. *Id.* at 10a–11a. He owns firearms and possesses valid firearm licenses from Florida and Georgia. *Id.* at 10a. And because of “the prevalence of violent crimes” against truck drivers, Johnson carries a handgun with him in the cab of his truck for self-defense, defense of others, defense of his vehicle, and defense of his cargo. *Id.*

But when Johnson travels to Minnesota, state law forces him, under threat of criminal penalties, to disarm, unload his firearm, and secure it in a container because he does not possess a Minnesota firearm license. *Id.* at 10a–11a.

Minnesota grants firearm license reciprocity to states with “similar” firearm license regulations. *Id.* at 9a, 26a. Fifteen states, including Florida and Georgia, are not on the list. *Id.* at 10a.¹

B. Procedural History.

Johnson filed suit² to maintain his constitutional rights when his job takes him to Minnesota. *Id.* at 11a–12a. Specifically, Johnson claims Minnesota’s firearm reciprocity statute violates the Second Amendment. *Id.* at 12a.

¹ The unrecognized states are Alabama, Arizona, Florida, Georgia, Indiana, Iowa, Maine, New Hampshire, Oregon, Pennsylvania, Utah, Virginia, Washington, Wisconsin, and Wyoming. App. 10a n.1.

² David A. McCoy, II, a long-haul truck driver with a Texas firearm license, was also a plaintiff when this case began. App. 12a. He voluntarily dismissed his claim after Minnesota granted reciprocity to Texas permits. *Id.* at 12a & n.3.

Minnesota moved to dismiss under Fed. R. Civ. P. 12(b)(6), claiming that Johnson lacked standing and that the law was otherwise constitutional. *Id.*

The district court granted Minnesota's motion, ruling that while Johnson did have standing to challenge the reciprocity statute, it was otherwise constitutional. *Id.* at 16a, 24a.

Purportedly applying the two-part test set forth in *Bruen*, 597 U.S. at 17, the district court held that Minnesota's reciprocity statute was constitutional and dismissed the case. *Id.* at 24a. The district court agreed with Johnson that the plain text of the Second Amendment covered his conduct. *Id.* at 19a–21a. But the district court held that Minnesota's reciprocity statute was consistent with America's historical tradition of firearm regulation—namely, historic surety laws—and ruled it was constitutional. *Id.* at 21a–24a.

Johnson appealed to the Eighth Circuit. Applying *Bruen*, the Eighth Circuit affirmed the district court's ruling. *Id.* at 2a. But the Eighth Circuit disagreed with the district court's *Bruen* step one analysis and ruled that Minnesota's reciprocity statute did “not restrict any arms-bearing conduct.” *Id.* at 3a–4a.

The Eighth Circuit held that even though Johnson had two state firearm permits, Minnesota had the right to force him to get a third through its concededly lawful permitting regime if he wanted to carry his weapon in Minnesota. *Id.* at 3a–5a. The Eighth Circuit held “states are under no obligation to recognize licenses for professions issued by other states since these licenses issued by one state are not extraterritorial; and no rule of comity requires a state

to grant such licenses merely because a person has been admitted to practice in another state.” App. 5a (quoting *Hawkins v. Moss*, 503 F.2d 1171, 1177 n.9 (4th Cir. 1974)). Accordingly, the Eighth Circuit ruled that Minnesota “may require all nonresidents to obtain [a Minnesota firearm license].” *Id.* Minnesota’s firearm license reciprocity statute merely provided a “convenience” for recognized out-of-state license holders by removing the burden of obtaining a Minnesota permit to carry their firearm in the state. *Id.*

This petition followed.

Reasons for Granting the Writ

This case warrants review for three reasons. First, the decision below cannot be squared with this Court’s recent holding that “the Second Amendment has the same meaning in all parts of the United States.” *Wolford v. Lopez*, 609 U.S. __, __, 146 S. Ct. 2032, 2050 (2026). Second, the Eighth Circuit’s reasoning makes the Second Amendment the only enumerated right that a state may extinguish based solely on which sister state issued a citizen’s credentials, with no analogue anywhere else in this Court’s constitutional jurisprudence. Third, the question recurs constantly nationwide: millions of Americans hold state-issued firearm permits and cross state lines for work and travel every day. The Eighth Circuit ruling will subject them to an inconsistent patchwork of reciprocity rules that only this Court can resolve. This case presents an opportunity to resolve this issue in a matter that only presents Second Amendment

questions from a civil claim without any other issues to resolve.

I. States cannot turn the Second Amendment into a second-class right.

“[T]he right to keep and bear arms was included among the other treasured liberties protected by the Bill of Rights.” *Wolford*, 609 U.S. at ___, 146 S.Ct. at 2042. It “is not a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees.” *Bruen*, 597 U.S. at 70 (internal quotation marks omitted).

“[T]he Second Amendment right, like nearly all the rights protected by the First, Fourth, Fifth, Sixth, and Eighth Amendments, [] apply equally to the Federal Government and the States.” *Wolford*, 609 U.S. at ___, 146 S.Ct. at 2043.

“[T]he question whether the Second Amendment embodies a uniform national standard or one that varies from one locale to another” is “settled.” *Id.* “[T]he Second Amendment has the same meaning in all parts of the United States.” *Id.* at ___, 146 S.Ct. at 2050.

The Eighth Circuit disagrees.

It ruled that because “Minnesota may constitutionally condition public carry on obtaining a permit from the state, then it may require all nonresidents to obtain one.” App. 5a. “States are under no obligation to recognize licenses for professions issued by other states since these licenses issued by one state are not extraterritorial; and no rule of comity requires a state to grant such licenses merely because a person has been admitted to practice in another state.” *Id.* (quoting *Hawkins*, 503 F.2d at

1177 n.9 (internal quotation marks and brackets omitted). Therefore, according to the Eighth Circuit, “reciprocal [firearm] permitting between states depends on interstate comity, not the Second Amendment.” *Id.*

However, a person’s ability “to bear arms in public for self-defense” is a constitutional right. *Bruen*, 597 U.S. at 70. Maintaining a professional license is not.

Constitutional rights do not “depend[] on interstate comity.” App. 5a. They “apply equally to the Federal Government and the States.” *Wolford*, 609 U.S. at ___, 146 S.Ct. at 2043. Indeed, “the Second Amendment has the same meaning in all parts of the United States.” *Id.* at ___, 146 S.Ct. at 2050. Thus, the Eighth Circuit’s ruling is in direct conflict with *Wolford*.

Americans do not have to continuously justify their entitlement to constitutional rights. The *Bruen* Court endorsed a Reaganesque “trust but verify” system of demonstrating a person’s worthiness to bear arms through “‘shall-issue’ licensing regimes.” 597 U.S. at 38 n.9. These licensing systems “ensure only that those bearing arms in the jurisdiction are, in fact, ‘law-abiding, responsible citizens’” and do so in a timely manner. *Id.*

The *Bruen* Court also cautioned against “abusive” regimes that had “lengthy wait times in processing license applications or exorbitant fees [that] den[ied] ordinary citizens their right to public carry.” *Id.* Functionally, reciprocity statutes are the abusive licensing regimes.

Individuals with unrecognized firearm licenses have already overcome administrative hurdles in

their licensing states to prove their fitness to exercise their constitutional rights. Once a person proves he is an ordinary, law-abiding citizen he is entitled to carry a gun in public for self-defense. *Bruen*, 597 U.S. at 70. Neither the Second Amendment, nor any other constitutional right, requires someone to prove their worthiness to exercise their civil liberties over and over again by obtaining multiple licenses for those freedoms.

Under the Eighth Circuit's view, a person's Second Amendment rights can suffer the same burden—proving he is a law-abiding citizen—again and again in each state and he will be forced to overcome each state's administrative regime to exercise his Second Amendment rights across the Nation.

Those are consequences of the Eighth Circuit's decision. States may arbitrarily deny out-of-state firearm license holders their right to bear arms for self-defense.

No other constitutional right operates this way.

Forcing Americans to carry a rolodex of firearm permits to maintain their constitutional rights across the Nation reduces the Second Amendment to “second-class” status and subjects it “to an entirely different body of rules than the other Bill of Rights guarantees.” *Bruen*, 597 U.S. at 70.

The *Bruen* Court allowed this burdensome process to occur only once for someone wishing to bear arms in public for self-defense. 597 U.S. at 38 n.9. It never supported a regime that required this process to repeat itself over and over again as individuals traveled throughout the Nation. As a person visits each state with his firearm and must acquire yet

another permit, the “wait times in processing applications” become more “lengthy” and each application fee makes the process to exercise Second Amendment rights more “exorbitant.” *Id.*

Every state (and the District of Columbia) requires its residents³ or licensees to be “ordinary, law-abiding citizens” to carry firearms in public for self-defense. *Id.* at 9-10. In every state, a license is not issued to anyone that is legally prohibited from possessing a firearm and each licensee must pass a criminal background check.⁴ Some states require a firearm

³ Vermont has no permitting system. *Bruen*, 597 U.S. at 13 n.1. But Vermont residents must be law-abiding citizens to carry firearms. *See* Vt. Stat. tit. 13, §§ 4017, 4017a. Many other states issue licenses but also allow law-abiding citizens to carry firearms without a permit in the state. *Bruen*, 597 U.S. at 13 n.1.

⁴ Ala. Code §13A-11-75; Alaska Stat. § 18.65.705; Ariz. Rev. Stat. Ann. §13-3112; Ark. Code § 5-73-309; Cal. Penal Code § 26202; Colo. Rev. Stat. § 18-12- 205; Conn. Gen. Stat § 29-28; Del. Code tit. 11, § 1441; D. C. Code §§ 7-2502.03, 7-2502.07, 7-2509.02; Fla. Stat. §790.06; Ga. Code Ann. §16-11-129; Haw. Rev. Stat. § 134-9; Idaho Code § 18-3302; 430 Ill. Comp. Stat. § 66/35; Ind. Code §§35-47-2-3; Iowa Code §§724.7, .8; Kan. Stat. § 75-7c05(d); Ky. Rev. Stat. § 237.110(3); La. Rev. Stat. § 40:1379.3(K); Me. Rev. Stat. Ann., Tit. 25, §2003; Md. Code, Pub. Safety § 5-305; Mass. Gen. Laws ch. 140, 121F; Mich. Comp. Laws Serv. §§ 28.422, 28.425b; Minn. Stat. § 624.714, subd. 4; Miss. Code § 45-9-101; Mo. Rev. Stat. § 571.101; Mont. Code §§ 45-8-312, 45-8-322; Neb. Rev. Stat. § 69-2431; Nev. Rev. Stat. § 202.366; N.H. Rev. Stat. Ann. §§159:3, 159:3-a, 159:6, 159:12; N.J. Stat. § 2C:58-4; N.M. Stat. § 29-19-4; N.Y. Penal Law § 400.00; N.C. Gen. Stat. § 14-415.13; N.D. Cent. Code § 62.1-04-03; Ohio Rev. Code § 5122.311; Okla. Stat. tit. 21, § 1290.12; Ore. Rev. Stat. §166.291; 18 Pa. Cons. Stat. §6109; R.I. Gen. Laws § 11-47-11; S.C. Code Ann. § 23-31-215; S.D. Codified Laws § 23-7-7; Tenn. Code § 39-17-1351; Tex. Gov’t Code § 411.172; Utah Code § 53-5a-303; Va. Code Ann. §§ 18.2-308.02, .04, .09; Wash. Rev. Code §9.41.070; W. Va. Code § 61-7-4; Wis. Stat. §175.60; Wyo. Stat. Ann. §6-8-104.

education or training course, and some do not.⁵ But no one is issued a permit without proving that they are an ordinary, law-abiding citizen.⁶

Under the Eighth Circuit’s ruling, reciprocity statutes will allow states to deem an entire category of people, i.e., unrecognized firearm license holders, too dangerous to carry a firearm in public for self-defense even though these people proved that they are ordinary, law-abiding citizens in the state that issued their permits.

But states cannot deem an entire category of people too dangerous to carry firearms, “[a]ll based on . . . its current say-so,” especially when those individuals have already proven themselves to be ordinary, law-abiding citizens. *United States v. Hemani*, 608 U.S. ___, ___, 146 S. Ct. 1677, 1693 (2026). “[A]ffording the government that kind of broad power to designate any group as dangerous and thereby disqualify its members from having a gun would risk allowing it to quickly swallow the Second Amendment.” *Id.* (internal quotation marks omitted).

And if the government cannot deem “anyone who regularly uses marijuana [as] categorically [too] violent and dangerous [to suspend their Second Amendment rights] without any further showing,” then categorically disarming all unrecognized firearm license holders is unconstitutional too. *Id.*

Plainly, if the Eighth Circuit’s ruling is allowed to stand, the decision will provide a roadmap for restricting Second Amendment rights for states that want to limit them as much as possible. No out-of-

⁵ See n.4 *supra*.

⁶ See n.4 *supra*.

state visitor will have any Second Amendment rights unless he runs the gauntlet of that state’s firearm licensing regime.

Indeed, granting this petition will answer a nationally important question that affects a very large population, i.e. all state firearm license holders.

II. State firearm reciprocity statutes must recognize firearm licenses from other states under *Bruen*.

The *Bruen* “analysis required in a Second Amendment case . . . involves two steps.” *Wolford*, 609 U.S. at ___, 146 S.Ct. at 2043. “When the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with the Nation’s historical tradition of firearm regulation.” *Bruen*, 597 U.S. at 24.

Said differently, “[i]f a challenged law falls within the plain text of the Second Amendment, it is presumptively unconstitutional—which means that it *may* violate the preexisting right that the Amendment codified.” *Wolford*, 609 U.S. at ___, 146 S.Ct. at 2044 (citation omitted). The “challenged regulation” is “lawful under the Second Amendment” only if it “fits within” America’s “historical tradition of firearm regulation.” *United States v. Rahimi*, 602 U.S. 680, 691 (2024) (internal quotation marks omitted).

A. Refusing to recognize another state’s firearm license affects conduct covered by the plain text of the Second Amendment.

“[W]hen the Second Amendment’s plain text covers an individual’s conduct, the Constitution

presumptively protects that conduct.” *Bruen*, 597 U.S. at 17.

The first “inquiry entails three subsidiary questions. First, does the law apply to ‘the people’”—which means, “to all members of” the public? *Wolford*, 609 U.S. at ___, 146 S.Ct. at 2043 (internal quotation marks omitted). “Second, does it concern any form of ‘Arms,’ i.e., any weapon customarily used for offensive or defensive purposes? Third, does the law place any restrictions on either the ‘keeping’ (i.e., possession) or the ‘bearing’ (i.e., carrying) of arms?” *Wolford*, 609 U.S. at ___, 146 S.Ct. at 2043–44 (internal citation and brackets omitted).

Here, the district court correctly found that “Johnson’s proposed conduct—i.e., publicly carrying a firearm in Minnesota for self-defense—falls squarely within the scope of activity that the Second Amendment protects at [*Bruen*] Step One.” App. 21a.

The district court found that Johnson was a member of “the people,” which the reciprocity statute applied to. “Minnesota’s reciprocity provision expressly conditions the right of individuals to carry firearms in Minnesota on whether their out-of-state permit is granted reciprocity.” *Id.* at 18a–19a (citing Minn. Stat. § 624.714, subd. 16(a), *see id.* at 26a). “The provision thus regulates the ability of an ‘ordinary, law-abiding, adult citizen[],’ such as Johnson, to bear arms in Minnesota. As such, the Court deems Johnson to be ‘part of the people’ whom the Second Amendment presumptively protects.” *Id.* at 19a (citing *Bruen*, 597 U.S. at 31; *Heller*, 554 U.S. at 580).

Next, “[i]t is undisputed that Johnson’s firearms are ‘Arms’ covered by the Second Amendment.” *Id.* at 18a n.4.

Finally, Minnesota’s reciprocity statute places a restriction on Johnson’s possession and carrying of his arms. Johnson can lawfully bear arms in all four contiguous states bordering Minnesota. *See* Iowa Code § 724.11A; N.D. Cent. Code § 62.1-04-03.1;⁷ S.D. Codified Laws § 23-7-7.3;⁸ Wis. Stat. Ann. § 165.25(16).⁹ But because none of his firearm licenses were issued from a state recognized by Minnesota’s reciprocity statute, Johnson is forced to disarm, unload his weapon, and place it in a container the instant he enters Minnesota.

Even so, the Eighth Circuit held that Minnesota’s reciprocity statute did not place any restrictions on Johnson’s ability to keep or bear his arms. App. 3a–5a. Specifically, the Eighth Circuit ruled “Minnesota’s reciprocity statute, standing alone, does not regulate arms-bearing conduct.” *Id.* at 3a. Instead, the Eighth Circuit believed that Minnesota’s firearm permit statute, *see* Minn. Stat. § 624.714, subd. 1a, restricted Johnson’s Second Amendment rights. App. 3a. Accordingly, the Eighth Circuit held, “Apart from the

⁷ *See also* North Dakota Reciprocity with other states, <https://attorneygeneral.nd.gov/public-safety/concealed-weapon-licenses-2/reciprocity-with-other-states/> (last visited Aug. 24, 2026).

⁸ *See also* South Dakota reciprocity grid, [https://sdsos.gov/general-services/concealed-pistol-permits/docs/Concealed%20Carry%20Reciprocity%20\(grid\).pdf](https://sdsos.gov/general-services/concealed-pistol-permits/docs/Concealed%20Carry%20Reciprocity%20(grid).pdf) (last visited Aug. 24, 2026).

⁹ *See also* Wisconsin CCW Reciprocity, <https://www.wisdoj.gov/Pages/PublicSafety/concealed-carry-weapon-reciprocity.aspx> (last visited Aug. 24, 2026).

permitting requirement, the reciprocity statute does not regulate any conduct covered by the Second Amendment's text." *Id.* at 4a. Forcing Johnson to obtain another firearm license from Minnesota to add to his collection "does not impose any additional burden on arms-bearing conduct." *Id.* at 5a.

According to the Eighth Circuit, the reciprocity statute "does not restrict any arms-bearing conduct." *Id.* at 4a. It "merely creates an exemption from the permitting process," and "removes a regulatory hurdle for certain nonresidents by allowing them to use their out-of-state permits." *Id.* at 4a–5a.

The Eighth Circuit is wrong.

Minnesota's licensing regime and its reciprocity statute are separate laws that can grant or deny Second Amendment rights independent of one another. Johnson could carry his firearm in Minnesota if he obtained a Minnesota license. He can also carry a weapon without a Minnesota license if his Florida or Georgia license is recognized by the reciprocity statute. Both laws must be independently considered to determine the status of someone's Second Amendment rights in Minnesota. Compliance with either law makes compliance with the other irrelevant, which demonstrates their independence. Thus, each law independently restricts Johnson's right to bear arms, which is conduct that "falls within the plain text of the Second Amendment." *Wolford*, 609 U.S. at ___, 146 S. Ct. at 2049.

Practically, if a Minnesota law enforcement officer found Johnson armed, then the officer would make two independent investigations. First, the officer would determine whether Johnson had a Minnesota

permit. And because Johnson does not, then the officer would research whether the states that issued Johnson's firearm permits were on Minnesota's reciprocity list. In Johnson's case, the answers to both inquiries are negative. But the hypothetical officer must still make both inquiries because each law provides an independent opportunity for Johnson to exercise his Second Amendment rights in Minnesota. Indeed, the laws are two independent reasons to either allow or deny Johnson's ability to bear arms in Minnesota. And because Minnesota's reciprocity statute has the independent power to either permit or restrict Johnson's right to carry arms in public for self-defense, it governs conduct covered by the plain text of the Second Amendment and satisfies *Bruen* step one. 597 U.S. at 17.

"When th[is] permit holder[] leave[s] home in the morning," to drive his truck across the country, he must "take care to avoid" Minnesota to maintain his right to bear arms because of the state's license laws *and* its reciprocity statute. *Wolford*, 609 U.S. at ___, 146 S. Ct. at 2040. Before Johnson enters Minnesota, he has the right to keep and bear arms. After he enters the state, that right is taken away either because he does not have a Minnesota license or because Minnesota refuses to recognize one of his two firearm licenses. And when Johnson leaves Minnesota his Second Amendment rights are restored. All these events are covered by the plain text of the Second Amendment. *See Bruen*, 597 U.S. at 17.

Minnesota's firearm licensing regime and its reciprocity statute are governed by separate statutes and, thus, create two independent reasons for Minnesota to maintain Johnson's Second Amendment

rights or deny them. Accordingly, because Minnesota’s reciprocity statute independently “hobbles what the Second Amendment protects: the right of Americans to carry arms for self-defense,” *id.* at ___, 146 S. Ct. at 2041, the law “clashes with the ‘plain text’ of the Amendment’s language.” *Id.* at ___, 146 S. Ct. at 2043.

Furthermore, the effect of Minnesota’s reciprocity statute falls within the Second Amendment’s text just as Hawaii’s laws impacted the hypothetical woman’s ability to carry a firearm in *Wolford*. *Id.* at ___, 146 S. Ct. at 2048–49. She had to petition for her constitutional rights to be restored everywhere she went. *Id.* Likewise, under the Eighth Circuit’s holding, Johnson must apply to have his Second Amendment rights restored when he travels to Minnesota or any other state that refuses to recognize his firearm licenses. The hypothetical woman’s circumstances qualified as regulated conduct covered by the Second Amendment. *Id.* And because Johnson faces the same circumstances, albeit on a larger geographic scale, his regulated conduct is covered by the text of the Second Amendment too.

The Eighth Circuit is far too dismissive of the additional burdens placed on the Second Amendment rights of ordinary, law-abiding citizens with unrecognized firearm licenses. Minnesota firearm permits are not freely distributed at the state border upon request. Instead, out-of-state residents must apply in person with a Minnesota county sheriff. Minn. Stat. § 624.714, subd. 2(a).¹⁰ Then the out-of-

¹⁰ See also Minnesota Permit to Carry frequently asked questions, <https://dps.mn.gov/divisions/bca/public-services-bca/>

state applicant must wait 30 days for the sheriff to issue the permit, which is mailed back to the out-of-state applicant's home address. Minn. Stat. §§ 624.714, subd. 6(a), (c). This process is quite burdensome on the Second Amendment rights of out-of-state individuals with unrecognized firearm licenses. And this burden is imposed by Minnesota's reciprocity statute independently because of the state's refusal to recognize some out-of-state firearm licenses.

Moreover, Minnesota's reciprocity statute is more restrictive on the right to bear arms than either its licensing regime or the Second Amendment itself. "Applications for permits to carry must be granted or denied within 30 days, or else they will automatically be issued." App. 9a. But under the reciprocity statute, law-abiding citizens with an unrecognized out-of-state permit can carry a firearm in public for self-defense *only if* the issuing state's laws are "similar," a subjective and undefined standard, to Minnesota's firearm license laws. App. 26a. Otherwise, the unrecognized license holder's Second Amendment rights are restrained in Minnesota for an indefinite period.

"[H]istory reveals a consensus that States [can]not ban public carry altogether," and that "concealed-carry prohibitions [are] constitutional only if they did not similarly prohibit open carry." *Bruen*, 597 U.S. at 53. "[O]verwhelming evidence' shows an 'enduring American tradition permitting public carry.'" *Wolford*, 609 U.S. at ___, 146 S.Ct. at 2050

firearms-information/permit-carry/permit-carry-faq (last visited Aug. 24, 2026).

(quoting *Bruen*, 597 U.S. at 67). But Minnesota’s reciprocity statute prohibits Johnson from both and creates an independent burden on his Second Amendment rights.

Finally, the standards underlying Minnesota’s licensing and reciprocity statutes could not be more different, highlighting their independence and distinctiveness. The licensing regime has the objective standards of a “shall issue” system. But the reciprocity statute is subjective, only recognizing licenses from states with “similar” laws. App 26a. This leads to arbitrary outcomes like New York’s “special need” regime produced, which the *Bruen* Court struck down. *See* 597 U.S. at 12–13.

The “shall-issue” firearm license schemes that the *Bruen* Court endorsed had “only narrow, objective, and definite standards guiding licensing officials, rather than requiring the appraisal of facts, the exercise of judgment, and the formation of an opinion—features that typify proper-cause standards like New York’s [unconstitutional firearm law].” *Id.* at 38 n.9 (internal quotation marks and citation omitted). Here, Minnesota’s firearm licensing regime typifies a “shall-issue” scheme, *see* Minn. Stat. Ann. §§ 624.714 Subds. 2, 2a, 3, 4, 6, but its reciprocity statute is just as subjective as New York’s unlawful system. *See* App. 26a.

Minnesota is directed to recognize out-of-state firearm licenses issued by states with “similar” license laws, *id.*, without any “narrow, objective, [or] definite standards [to] guid[e] [Minnesota] officials.” *Bruen*, 597 U.S. at 38 n.9 (internal quotation marks and citation omitted). Accordingly, Minnesota’s reciprocity statute “requir[es] the appraisal of facts, the exercise

of judgment, and the formation of an opinion—features that typify proper-cause standards like New York’s [unconstitutional firearm law].” *Id.* This is nothing like Minnesota’s firearm licensing regime.

Minnesota’s reciprocity statute is unconstitutional for the same reasons that the *Bruen* Court struck down New York’s “proper cause” firearm license system. 597 U.S. at 16-17, 79-80. “No New York statute defined ‘proper cause.’” *Id.* at 12. Thus, New York “authorities” managing that state’s “may issue” firearm license system had “discretion” whether to issue a firearm license or not. *Id.* at 14.

Likewise, Minnesota officials do not have a definition of “similar” to guide their administration of the reciprocity statute. It is not defined anywhere in state law. Florida and Georgia could arbitrarily appear on Minnesota’s reciprocity list just as arbitrarily as they were left off of it.

Without “narrow, objective, and definite standards guiding [Minnesota] licensing officials,” they must exercise their discretion for whether to add states to its firearm reciprocity list or not. *Id.* 38 n.9 (internal quotation marks omitted). This process “requir[es] the appraisal of facts, the exercise of judgment, and the formation of an opinion—features that typify proper-cause standards like New York’s.” *Id.* (internal quotation marks and citation omitted). And makes Minnesota’s reciprocity statute just as unconstitutional as New York’s statute was.

* * *

“[A]t *Bruen*’s first step . . . , the question is simply whether a challenged law falls within the Second Amendment’s ‘plain text.’” *Wolford*, 609 U.S. at __,

146 S. Ct. at 2049. Because Johnson wants to carry a firearm for self-defense in Minnesota “the Second Amendment’s plain text covers [his] conduct.” *Bruen*, 597 U.S. at 17. The Minnesota firearm reciprocity statute is one of two independent ways that the state can deny his rights. Because the reciprocity statute infringes Johnson’s right to keep and bear arms, the statute satisfies *Bruen* step one. The Eighth Circuit should have acknowledged this and “move[d] on to [*Bruen*’s] second step.” *Wolford*, 609 U.S. at ___, 146 S. Ct. at 2049.

B. America does not have a historic tradition of denying Second Amendment rights to proven, ordinary, law-abiding citizens.

At *Bruen* step two, “[t]he government must [] justify its regulation by demonstrating that it is consistent with the Nation’s historical tradition of firearm regulation.” 597 U.S. at 24.

There is no evidence that America has a founding era tradition of firearm regulation that prevented individuals—much less those that had already proven that they were ordinary, law-abiding citizens by obtaining a firearm license—from traveling across the Nation with their firearms and taking them within the borders of any state.

Even so, Minnesota argued, and the district court agreed, that its reciprocity statute was the equivalent of historic “surety laws,” which satisfied “*Bruen*’s historical analysis.” App. 22a–24a. Both Minnesota and the district court are wrong.

The *Bruen* and *Rahimi* Courts wrote at length to explain that someone had to be found dangerous

through a judicial proceeding before he could be disarmed under historic surety laws. *See Bruen*, 597 U.S. at 55–59; *Rahimi*, 602 U.S. at 695–700. But Minnesota’s reciprocity statute disarms out-of-state firearm license holders at the state line without any judicial proceeding. In fact, there is no judicial proceeding at all in either Minnesota’s firearm licensing regime or within its reciprocity statute. Accordingly, Minnesota’s reciprocity statute is not consistent with the Nation’s historic surety laws. And because Minnesota fails *Bruen* step two, its reciprocity statute is unconstitutional.

“[I]ndividual self-defense is the *central component* of the Second Amendment right.” *Bruen*, 597 U.S. at 29 (internal quotation marks omitted). “[W]hether modern and historical regulations impose a comparable burden on the right of armed self-defense and whether that burden is comparably justified are central considerations when engaging in an analogical inquiry.” *Id.* (internal quotation marks omitted). The *Bruen* Court “point[s] toward at least two metrics” to make this determination: “how and why the regulations burden a law-abiding citizens’ right to armed self-defense.” *Id.*

Historic surety laws and Minnesota’s reciprocity statute both burden a law-abiding citizen’s right to armed self-defense to guard the public against dangerous individuals. That is the “why.” “How” these laws achieve their goals is worlds apart, which shows “surety laws [are] not a proper historical analogue for [Minnesota’s] gun [reciprocity] regime.” *Rahimi*, 602 U.S. at 699.

Historic surety laws “authorized magistrates to require individuals suspected of future misbehavior to

post a bond. If an individual failed to post a bond, he would be jailed. If the individual did post a bond and then broke the peace, the bond would be forfeit.” *Id.* at 695.

“These laws often offered the accused significant procedural protections. Before the accused could be compelled to post a bond for” carrying a weapon, “a complaint had to be made to a judge or justice of the peace by” someone with a reasonable fear “that the accused would do him harm or breach the peace.” *Id.* at 696. “The magistrate would take evidence, and—if he determined that cause existed for the charge—summon the accused, who could respond to the allegations.” *Id.* at 696–97. Bonds were limited to “six months at a time, and an individual could obtain an exception if he needed his arms for self-defense or some other legitimate reason.” *Id.* at 697.

Therefore, “surety statutes *presumed* that individuals had a right to public carry that could be burdened only if another could make out a specific showing of reasonable cause to fear an injury, or breach of the peace.” *Bruen*, 597 U.S. at 56 (internal quotation marks omitted). “[W]hereas [Minnesota’s] law effectively presume[s] that no [out-of-state firearm license holder] ha[s] such a right, absent [showing their state’s license laws are “similar” to Minnesota’s law].” *Rahimi*, 602 U.S. at 699-700.

A person posted a surety bond “only when attended with circumstances giving just reason to fear that he purposes to make an unlawful use of [his firearms].” *Bruen*, 597 U.S. at 56. And even after “such a showing, the surety laws did not *prohibit* public carry in locations frequented by the general community.” *Id.* The accused “could go on carrying

without criminal penalty so long as he post[ed] money that would be forfeited if he breached the peace or injured others—a requirement from which he was exempt if he needed self-defense.” *Id.* at 56-57 (internal quotation marks omitted).

“Thus, unlike [Minnesota’s reciprocity] regime, a showing [that another state’s firearm license law is “similar” was necessary] only *after* an individual was reasonably accused of intending to injure another or breach the peace.” *Id.* at 57. And even if a law was “similar,” it “simply avoided a fee rather than a ban” on carrying a firearm. At bottom, “everyone started out with robust carrying rights” under surety laws “and only those reasonably accused were required to show [the laws that issued his firearm license were “similar” to Minnesota’s laws] to avoid posting a bond.” *Id.*

Surety laws “involved judicial determinations of whether a particular defendant likely would threaten or had threatened another with a weapon.” *Rahimi*, 602 U.S. at 699. And unlike Minnesota’s reciprocity statute, surety laws did “not broadly restrict arms use by the public generally,” *id.* at 698, and their burden was “of limited duration,” *id.* at 699.

Fundamentally, laws like surety laws presume “the Second Amendment right may only be burdened once [someone] has been found to pose a credible threat to the physical safety of others.” *Id.* at 700. Minnesota’s reciprocity statute, however, presumes an out-of-state firearm license holder is a credible threat to the physical safety of others until the government finds his license’s issuing state has “similar” laws to Minnesota’s firearm license statute. Minnesota’s reciprocity statute is nothing like historic

surety laws. Therefore, it is unconstitutional. *Id.* at 698-700.

Conclusion

For the reasons stated above, the Second Amendment cannot mean one thing in Florida and Georgia and another in Minnesota. The decision below conflicts with this Court's holding that the right "has the same meaning in all parts of the United States." *Wolford*, 609 U.S. at ___, 146 S. Ct. at 2050. Only this Court can correct this error and resolve whether a state may extinguish a citizen's Second Amendment rights based solely on where he was licensed—a question of recurring national importance. The Court should grant this petition for writ of certiorari.

Respectfully submitted,

Ryan Morrison
Counsel of Record
Liberty Justice Center
1629 K St., N.W., Ste. 300
Washington, D.C. 20006
512-481-4400
rmorrison@ljc.org
August 24, 2026

APPENDIX

**APPENDIX TO
PETITION FOR A WRIT OF CERTIORARI
TABLE OF CONTENTS**

	Page
Appendix A Opinion of the United States Court of Appeals for the Eighth Circuit (May 26, 2026)	1a
Appendix B Opinion of the United States District Court for the District of Minnesota (Sept. 11, 2025)	7a
Appendix C Minn. Stat. § 624.714, subd. 16	26a

1a

APPENDIX A

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No. 25-3036

David A. McCoy, II

Plaintiff

Jeffrey M. Johnson, Sr.

Plaintiff - Appellant

v.

Bob Jacobson, His official capacity as the Commis-
sioner of the Minnesota Department of Public Safety

Defendant – Appellee

Appeal from United States District Court
for the District of Minnesota

Submitted: March 18, 2026
Filed: May 26, 2026

Before SHEPHERD, ERICKSON, and GRASZ, Cir-
cuit Judges.

GRASZ, Circuit Judge.

Jeffrey M. Johnson, Sr. is a long-haul truck driver who resides in Georgia and wishes to carry a firearm when driving through Minnesota, even though he lacks a Minnesota-issued permit to carry as required by Minnesota law. Instead, Johnson seeks to carry in Minnesota because he possesses permits issued by Georgia and Florida. While Minnesota grants reciprocity to certain out-of-state permits, it does not recognize Georgia or Florida permits. So Johnson sued Minnesota Department of Public Safety Commissioner Bob Jacobson in his official capacity, seeking declaratory and injunctive relief under 42 U.S.C. § 1983 and alleging that Minnesota’s permit reciprocity statute violates the Second Amendment. The district court ¹ dismissed Johnson’s Second Amendment claim, and he appeals. We affirm.

I. Analysis

We review de novo the constitutionality of a statute and the grant of a motion to dismiss for failure to state a claim. *United States v. Charles*, 159 F.4th 545, 546 (8th Cir. 2025); *Mitchell v. Saint Louis County*, 160 F.4th 950, 956 (8th Cir. 2025). In *New York State Rifle & Pistol Ass’n v. Bruen*, the Supreme Court prescribed a two-step inquiry for Second Amendment claims. *See* 597 U.S. 1, 24 (2022). At step one, we must consider whether the challenged restriction regulates conduct covered by the Second Amendment’s plain text (i.e., arms-bearing conduct). *See id.*; *United*

¹ The Honorable John R. Tunheim, United States District Judge for the District of Minnesota.

States v. Rahimi, 602 U.S. 680, 691 (2024). If so, the government “bears the burden to ‘justify its regulation.’” *Rahimi*, 602 U.S. at 691 (quoting *Bruen*, 597 U.S. at 24). At step two, the government must meet its burden by showing “that the restriction ‘is consistent with the Nation’s historical tradition of firearm regulation.’” *Id.* at 689 (quoting *Bruen*, 597 U.S. at 24).

Minnesota prohibits anyone from publicly carrying a pistol in the state without first obtaining a permit to carry from one of its county sheriffs. Minn. Stat. § 624.714, subds. 1a, 2. Permits must be issued to residents and nonresidents alike who meet the state’s statutory requirements. *Id.* § 624.714, subd. 2(a)–(b). Minnesota also recognizes out-of-state permits issued by states that have permitting requirements similar to Minnesota’s. *See id.* § 624.714, subd. 16(a). Permitholders from recognized states may use their permits to carry in Minnesota as if they were Minnesota-issued permits. *See id.*

Johnson’s Second Amendment challenge fails at Bruen step one because Minnesota’s reciprocity statute, standing alone, does not regulate arms-bearing conduct. *See id.* Though publicly carrying a firearm in Minnesota is covered by the Second Amendment’s text, that conduct is regulated by Minnesota’s permitting requirement, *id.* § 624.714, subd. 1a, and Johnson repeatedly concedes that Minnesota’s shall-issue permitting requirement does not violate the Second

Amendment.² Apart from the permitting requirement, the reciprocity statute does not regulate any conduct covered by the Second Amendment’s text, which says nothing about permitting reciprocity. By allowing permitholders from recognized states to use their out-of-state permits as if they were Minnesota permits, the reciprocity statute exempts qualified individuals from Minnesota’s permit application process. And because the reciprocity statute merely creates an exemption from the permitting process, it does not restrict any arms-bearing conduct.³

² The constitutionality of shall-issue permitting regimes — and the correct manner of analyzing that question — has been the subject of some debate. *Contrast*, e.g., *Md. Shall Issue, Inc. v. Moore*, 116 F.4th 211, 221–23 (4th Cir. 2024) (en banc) (citing *Bruen*, 597 U.S. at 38 n.9) (holding shall-issue regimes are presumptively constitutional unless a plaintiff first shows the regime operates abusively in practice), cert. denied, 145 S. Ct. 1049 (2025), *with id.* at 240–45 (Richardson, J., dissenting) (arguing extensively that shall-issue regimes must still be justified as consistent with the Nation’s history and tradition of firearm regulation). Because Johnson concedes the point here, however, we express no view on the constitutionality of Minnesota’s shall-issue permitting regime. *See Duff v. United States ex rel. U.S. Air Force*, 999 F.2d 1280, 1281 n.4 (8th Cir. 1993).

³ We recognize there may be cases in which a state’s reciprocity policy works in tandem with its permitting regime to completely bar nonresidents from carrying, such as when a state prohibits public carry without a state-issued permit, refuses to issue such permits to nonresidents, and refuses to recognize out-of-state permits. This type of regime raises other constitutional concerns. *See, e.g., Cal. Rifle & Pistol Ass’n v. L.A. Cnty. Sheriff’s Dep’t*, 745 F. Supp. 3d 1037, 1063–68, 1068 n.35 (C.D. Cal. 2024) (considering Second Amendment, Privileges and Immunities, and Equal Protection challenges). But we are not presented with such a regime today.

Johnson argues to the contrary that the reciprocity statute “independently burden[s] Second Amendment rights” because “citizens with unrecognized firearm licenses must overcome an additional regulatory hurdle for their Second Amendment rights in Minnesota.” This argument is unconvincing. If, as Johnson concedes, Minnesota may constitutionally condition public carry on obtaining a permit from the state, then it may require all nonresidents to obtain one. Because every nonresident would otherwise have to obtain a Minnesota permit, the reciprocity statute actually removes a regulatory hurdle for certain nonresidents by allowing them to use their out-of-state permits. Minnesota’s refusal to exempt Johnson from a concededly constitutional permitting requirement does not impose any additional burden on arms-bearing conduct, so the convenience afforded by reciprocal permitting between states depends on interstate comity, not the Second Amendment. *Cf. Hawkins v. Moss*, 503 F.2d 1171, 1177 n.9 (4th Cir. 1974) (“[S]tates are under no obligation to recognize licenses for professions issued by other states since these licenses issued by one state are not extraterritorial; and no rule of comity requires a state to grant such licenses merely because a person has been admitted to practice in another state.” (quoting *Fales v. Comm’n on Licensure to Prac. Healing Art*, 275 A.2d 238, 240 (D.C. 1971))).

Lastly, Johnson presents, for the first time on appeal, a void-for-vagueness challenge to the reciprocity statute. Because Johnson never raised a constitutional vagueness argument before the district court, we cannot consider it as a basis for reversal. *See Dunn v. Does 1–22*, 116 F.4th 737, 752 (8th Cir. 2024). And even if we could, the claim is meritless. “As generally

stated, the void-for-vagueness doctrine requires that a penal statute define the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement.” *Gonzales v. Carhart*, 550 U.S. 124, 148–49 (2007) (emphasis added) (quoting *Kolender v. Lawson*, 461 U.S. 352, 357 (1983)). But the reciprocity statute “imposes neither regulation of nor sanction for conduct.” *Boutilier v. INS*, 387 U.S. 118, 123 (1967). Since it does not “strip [Johnson] of his rights,” *id.*, the reciprocity statute is not susceptible to a void-for-vagueness challenge.

II. Conclusion

We affirm the district court’s dismissal of Johnson’s Second Amendment claim.

APPENDIX B

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JEFFREY M. JOHNSON, SR.,

Plaintiff,

v.

BOB JACOBSON,

Defendant.

Civil No. 25-54 (JRT/DTS)

**MEMORANDUM OPINION AND ORDER
GRANTING DEFENDANT'S MOTION TO
DISMISS**

Duncan James Crim, **LIBERTY JUSTICE CENTER**, 970 Pine Road, Carlisle, PA 17015; Kelly J. Keegan, **KEEGAN LAW OFFICE**, 1622 West Lake Street, Minneapolis, MN 55408; and Ryan Morrison, **LIBERTY JUSTICE CENTER**, 7500 Rialto Boulevard, Suite 1-250, Austin, TX 78725, for Plaintiff.

Amanda E. Prutzman, Elizabeth C. Kramer, and Madeleine DeMeules, **OFFICE OF THE MINNESOTA ATTORNEY GENERAL**, 445 Minnesota Street, Suite 600, Saint Paul, MN 55101, for Defendant.

Plaintiff Jeffrey M. Johnson, Sr., a professional truck driver from Georgia, challenges Minnesota’s refusal to recognize firearm permits lawfully issued by all other states, which he alleges violates the Second Amendment right to bear arms. Under Minnesota law, people in Minnesota cannot lawfully carry a firearm without a Minnesota permit or a permit from one of the 33 states to which Minnesota currently grants reciprocity. Johnson has permits from states that are not granted reciprocity in Minnesota. Defendant Bob Jacobson, Commissioner of the Minnesota Department of Public Safety (“the Commissioner”), moves to dismiss, arguing that Johnson lacks standing and that Minnesota’s permitting regime and reciprocity provision are in any event constitutional. The Court concludes that Johnson has Article III standing. But pursuant to *Bruen*’s two-step test, the Court finds that Minnesota’s permitting regime and reciprocity provision are constitutional. Accordingly, the Court will grant the Commissioner’s motion to dismiss and dismiss this action with prejudice.

BACKGROUND

I. FACTS

A. Minnesota’s Firearm Permitting Regime

Under Minnesota Law, a person who “carries, holds, or possesses a pistol in a motor vehicle, snowmobile, or boat, or on or about the person’s clothes or the person, or otherwise in possession or control in a public place” must have a Minnesota permit to carry or a permit issued by a state for which Minnesota has granted reciprocity. Minn. Stat. § 624.714, subds. 1a,

16. Failure to abide by this law may result in a gross misdemeanor or a felony. *Id.* § 624.714, subd. 1a.

Minnesota residents and non-residents may apply for a Minnesota permit to carry. *Id.* § 624.714, subd. 2(a). Applications cost up to \$100 and must be submitted in person. *Id.* § 624.714, subd. 3(e)–(f). Minnesota’s permitting regime dictates that Minnesota “shall issue” a permit if the applicant: (1) has pistol safety training; (2) is at least 21 years old and a U.S. citizen or permanent resident; (3) completes the application; (4) is not prohibited from possessing a firearm under state or federal law; and (5) is not listed in the criminal gang database. *Id.* § 624.714 subd. 2(b). A permit may also be denied if there is a substantial likelihood that the applicant poses a danger to themselves or others. *Id.* § 624.714 subds. 2(b), 6(a). Applications for permits to carry must be granted or denied within 30 days, or else they will automatically be issued. *Id.* § 624.714 subd. 6(a)–(b). Approved applicants receive a laminated permit by mail or personal delivery. *Id.* § 624.714 subd. 6(c). Permits are valid for five years and may be renewed through the same process. *Id.* § 624.714, subd. 7(c).

Minnesota recognizes firearm permits from states that have similar licensing standards. Minn. Stat. § 624.714, subd. 16(a). States that the Commissioner determines do not have similar licensing standards similar to Minnesota’s—and therefore do not have reciprocity—are annually published in a list, which can be found on the Minnesota Department of Public Safety’s website. A person with a lawfully issued permit from any state that is granted reciprocity by the

Commissioner may lawfully use their permit in Minnesota. *Id.*

As of August 2025, Minnesota grants reciprocity to 33 states.¹ Fifteen states are not currently granted reciprocity because their permitting regimes are dissimilar from Minnesota's; Florida and Georgia are among them.²

A person without a Minnesota permit to carry or a permit from a state granted reciprocity can still lawfully “transport a pistol in a motor vehicle . . . if the pistol is unloaded, contained in a closed and fastened case, gunbox, or securely tied package.” Minn. Stat. § 624.714, subd. 9(5).

B. Johnson’s Alleged Injury

Johnson, a resident of Georgia, is a professional truck driver who delivers goods throughout the 48 contiguous states. (Compl. ¶¶ 9, 42, Jan. 7, 2025, Docket No. 1.) He is also a gun owner and possesses current, valid licenses to carry from Florida and Georgia. (*Id.* ¶ 43.) Given the prevalence of violent crimes against truckers, Johnson fears for his safety on the job. (*Id.* ¶ 60.) As a result, he “regularly carries his firearm for self-defense, defense of his home, defense of others, and defense of his cargo.” (*Id.* ¶ 48.)

¹ See Permit to Carry Reciprocity, Minnesota Dep’t of Pub. Safety, <https://dps.mn.gov/divisions/bca/public-services/firearms-information/permit-carry-reciprocity> (last visited Aug. 12, 2025) [<https://perma.cc/6SJZ-XCFU>].

² Unlike the other 49 states, Vermont does not require a permit to carry.

Johnson is a law-abiding citizen with no history of violent behavior and is not otherwise disqualified from obtaining a Minnesota permit to carry. (*Id.* ¶ 50.) Nonetheless, Minnesota does not recognize Johnson's permits to carry from Florida or Georgia. (*Id.* ¶¶ 51, 61.) When traveling through Minnesota, he securely stores his firearm in his truck in accordance with Minnesota law. (*Id.* ¶ 53.)

Johnson's profession requires constant travel between states, such that he only returns to his home state "a few times a year." (*Id.* ¶ 58.) Because his delivery schedule changes every day at his employer's discretion and is only provided to him after he finishes a delivery, Johnson does not know when his work schedule will take him to or through Minnesota. (*Id.*) However, Johnson alleges that his work includes "several trips to and through Minnesota" each year. (*Id.* ¶ 42, 54.)

Because of Minnesota's firearm permitting regime, Johnson alleges he is forced to either forfeit his right to bear arms or violate Minnesota Law to protect himself or others when traveling to or through Minnesota. (*Id.* ¶ 65.) He further claims that if he is forced to violate Minnesota law, he faces a threat of credible prosecution, jeopardizing his Transportation Workers Identification Credential upon a misdemeanor or felony conviction. (*Id.* ¶ 57.) Johnson alleges it is "too costly, time consuming, and burdensome . . . to obtain a firearm permit from all contiguous states," let alone "afford the cost of firearm permit fees in every state." (*Id.* ¶ 62.)

II. PROCEDURAL HISTORY

Johnson and another plaintiff, David A. McCoy II, initiated this action against the Commissioner on January 7, 2025, alleging that Minnesota’s refusal to recognize firearm permits from all other states violates the Second Amendment. (Compl. ¶¶ 76–88.) The Commissioner moved to dismiss. (Mot. Dismiss, Feb. 18, 2025, Docket No. 12.) McCoy later filed a notice of voluntary dismissal of his claim.³ (Notice of Voluntary Dismissal, July 3, 2025, Docket No. 31.)

DISCUSSION

I. STANDARD OF REVIEW

In reviewing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6), the Court considers all facts alleged in the complaint as true to determine if the complaint states a “claim to relief that is plausible on its face.” *Braden v. Wal-Mart Stores, Inc.*, 588 F.3d 585, 594 (8th Cir. 2009) (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678. The Court construes the complaint in the light most favorable to the plaintiff, drawing all inferences in the plaintiff’s favor. *Ashley Cnty. v. Pfizer, Inc.*, 552 F.3d 659, 665 (8th Cir. 2009). Although the Court accepts the complaint’s factual allegations as true and construes the complaint in a light most favorable to the plaintiff, it is “not bound to

³ McCoy’s Texas permit is now granted reciprocity in Minnesota.

accept as true a legal conclusion couched as a factual allegation.” *Papasan v. Allain*, 478 U.S. 265, 286 (1986). In other words, a complaint “does not need detailed factual allegations” but must include “more than labels and conclusions, and a formulaic recitation of the elements” to meet the plausibility standard. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007).

At the motion to dismiss stage, the Court may consider the allegations in the complaint as well as “those materials that are necessarily embraced by the pleadings.” *Schriener v. Quicken Loans, Inc.*, 774 F.3d 442, 444 (8th Cir. 2014). The Court may also consider matters of public record and exhibits attached to the pleadings, as long as those documents do not conflict with the complaint. *Porous Media Corp. v. Pall Corp.*, 186 F.3d 1077, 1079 (8th Cir. 1999).

II. ANALYSIS

The parties dispute three issues: (1) whether Johnson is bringing a facial and/or as-applied challenge, (2) whether Johnson has Article III standing, and (3) whether Minnesota’s firearm permitting regime and reciprocity provision are constitutional. The Court will take each in turn.

A. Facial vs. As-Applied Challenge

In determining whether a challenge is facial or as-applied, “[t]he label is not what matters.” *John Doe No. 1 v. Reed*, 561 U.S. 186, 194 (2010). Instead, what matters is whether the “claim and the relief that

would follow . . . reach beyond the particular circumstances of [the] plaintiffs.” *Id.* If the claim and relief reach beyond the plaintiff, then the challenge is facial. *Id.* Conversely, an as-applied challenge “consists of a challenge to the statute’s application only as-applied to the party before the court.” *Republican Party of Minn. v. Klobuchar*, 381 F.3d 785, 790 (8th Cir. 2004).

Johnson requests various forms of relief, including: (1) a “judgment declaring that Minnesota’s laws, practices, policies, and customs of refusing to recognize the lawfully issued out-of-state firearm permits violates the Second Amendment[.]” (2) an “order declaring that Defendant must recognize and honor lawfully issued firearm permits issued from all other states, regardless of whether the permit holder is a resident of Minnesota[.]” and (3) a “permanent injunction prohibiting Defendant from enforcing all laws prohibiting the carrying of a firearm without a Minnesota [permit to carry] or recognized out-of-state firearm permit if the person accused of that crime has an otherwise-valid permit to carry issued by any state, and is not otherwise prohibited from possessing or carrying firearms[.]” (Compl. at 23–24.)

The scope of the requested relief is broad. Johnson clearly seeks relief that reaches beyond the particular circumstances of himself, as it applies to all individuals with out-of-state permits that are not granted reciprocity in Minnesota. *Reed*, 561 U.S. at 194. Accordingly, the Court deems Johnson’s challenge to be facial.

As a result, Johnson must demonstrate that Minnesota’s permitting regime is unconstitutional in all

its applications, not solely as-applied to him. See *United States v. Rahimi*, 602 U.S. 680, 693 (2024).

B. Standing

The Commissioner argues that Johnson lacks Article III standing because he has not alleged a non-hypothetical injury. To satisfy Article III standing requirements, Johnson must demonstrate that (1) he suffered an injury in fact that is concrete, particularized and actual or imminent, (2) the injury was likely caused by the Commissioner, and (3) the injury would likely be redressed by judicial relief. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61 (1992); *see also L.H. v. Indep. Sch. Dist.*, 111 F.4th 886, 892 (8th Cir. 2024). Johnson, as the party invoking federal jurisdiction, bears the burden of demonstrating that he has Article III standing. *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 231 (1990). At the pleading stage, Johnson “must clearly allege facts demonstrating each element.” *Spokeo, Inc. v. Robins*, 578 U.S. 330, 338 (2016) (citation modified).

Only the first element—injury in fact—is disputed. To satisfy the injury-in-fact requirement, “a plaintiff must show that he or she suffered ‘an invasion of a legally protected interest’ that is ‘concrete and particularized’ and ‘actual or imminent, not conjectural or hypothetical.’” *Spokeo*, 578 U.S. at 339 (quoting *Lujan*, 504 U.S. at 560).

Johnson’s injury is concrete and particularized, as the reciprocity provision prohibits him from carrying a firearm in Minnesota for lawful purposes, including self-defense, despite his Florida and Georgia permits.

The issue, however, is whether Johnson’s injury is “imminent, not conjectural or hypothetical.” *Lujan*, 504 U.S. at 560 (citation modified). The Commissioner argues that Johnson’s alleged injury is not imminent because he only alleges injury when he travels to or through Minnesota, yet his allegations lack meaningful details regarding any plans, intentions, or assignments supporting a future return to Minnesota.

The Court finds that Johnson’s injury is imminent. Johnson alleges that he travels through or to Minnesota several times a year as a professional long-haul truck driver. It is true that “‘some day’ intentions—without any description of concrete plans, or indeed even any specification of when the some day will be—do not support a finding of the ‘actual or imminent’ injury that [Supreme Court] cases require.” *Id.* at 564. But at the pleading stage, “general factual allegations of injury resulting from the defendant’s conduct may suffice, for on a motion to dismiss we ‘presume that general allegations embrace those specific facts that are necessary to support the claim.’” *Lujan v. Nat’l Wildlife Fed’n*, 497 U.S. 871, 889 (1990). Accordingly, the Court finds that Johnson’s injury in fact is sufficiently imminent for standing purposes.

In conclusion, Johnson has plausibly alleged Article III standing.

C. Constitutionality

Finally, the parties dispute the constitutionality of Minnesota’s permitting regime and reciprocity provision.

Under the Second Amendment, “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.” U.S. Const. amend. II. The Supreme Court has interpreted this language to mean that the Second Amendment protects an individual right to bear arms, *District of Columbia v. Heller*, 554 U.S. 570, 593 (2008), and applies to the states, *McDonald v. City of Chicago*, 561 U.S. 742, 791 (2010). However, the rights bound up in the Second Amendment are not without limit. See *N.Y. State Rifle & Pistol Ass’n Inc. v. Bruen*, 597 U.S. 1, 70 (2022); *Heller*, 554 U.S. at 595, 626–27.

In *Bruen*, the Supreme Court laid out the two-part framework for analyzing Second Amendment challenges, which considers “text, then history.” *Worth v. Jacobson*, 108 F.4th 677, 687 (8th Cir. 2024). First, courts consider whether “the Second Amendment’s plain text covers an individual’s conduct.” *Bruen*, 597 U.S. at 17. If so, then the conduct is presumptively protected. *Id.* Second, the government must “justify its regulation” by “demonstrat[ing] that the regulation is consistent with this Nation’s historical tradition of firearm regulation.” *Id.* If the government justifies its regulation, then “a court [may] conclude that the individual’s conduct falls outside the Second Amendment’s ‘unqualified command.’” *Id.* (quoting *Konigsberg v. State Bar of Cal.*, 366 U.S. 36, 50, n. 10 (1961)).

1. Text

At Step One of *Bruen*'s test, the Court asks three questions to resolve whether the plain text of the Second Amendment "covers an individual's conduct." *Bruen*, 597 U.S. at 32. Such inquiries are: (1) whether Johnson is "part of 'the people' whom the Second Amendment protects," (2) whether the firearms at issue are "weapons 'in common use' today for self-defense," and (3) whether "the plain text of the Second Amendment protects [Johnson's] proposed course of conduct." *Id.* (quoting *Heller*, 554 U.S. at 580, 627).

The parties dispute whether Johnson is "part of the people" and whether the plain text of the Second Amendment covers his proposed course of conduct.⁴

First, the Commissioner contends that Johnson is not "part of the people" the Second Amendment aims to protect because Minnesota's reciprocity provision regulates states, not individuals. In particular, he argues that Minnesota's permitting scheme imposes obligations on the State to recognize certain out-of-state permits but does not regulate individual conduct directly. *Cf. Bruen*, 597 U.S. at 17 (requiring that "the Second Amendment's plain text cover[] an individual's conduct" (emphasis added)). However, the Court finds this argument to be unpersuasive. Minnesota's reciprocity provision expressly conditions the right of individuals to carry firearms in Minnesota on whether their out-of-state permit is granted reciprocally.

⁴ It is undisputed that Johnson's firearms are "Arms" covered by the Second Amendment.

ity. *See* Minn. Stat. § 624.714, subd. 16(a). The provision thus regulates the ability of an “ordinary, law-abiding, adult citizen[],” such as Johnson, to bear arms in Minnesota. As such, the Court deems Johnson to be “part of the people” whom the Second Amendment presumptively protects. *Bruen*, 597 U.S. at 31; *Heller*, 554 U.S. at 580.

Second, the Commissioner argues that the plain text of the Second Amendment does not cover Johnson’s proposed course of conduct—i.e., publicly carrying a firearm in Minnesota for self-defense purposes without a Minnesota permit or a recognized out-of-state permit. The Commissioner urges the Court to assess whether Minnesota’s permitting regime and reciprocity provision infringe upon the individual right to keep and bear arms, as other circuits have done. *Md. Shall Issue, Inc. v. Moore*, 116 F.4th 211, 220 (4th Cir. 2024); *United States v. Scheidt*, 103 F.4th 1281, 1284 (7th Cir. 2024). To support this argument, the Commissioner highlights that Minnesota operates a shall-issue permitting regime, meaning that the State must issue a permit to any applicant that meets the statutory criteria. Minn. Stat. § 624.714, subd. 2(b) (listing requirements). In other words, Minnesota retains no discretion in deciding whether to issue a firearm permit to an individual so long as the applicant satisfies the statutory requirements. *See Bruen*, 597 U.S. at 13 (explaining the distinction between shall-issue and may-issue permitting regimes). In contrast, may-issue regimes grant officials discretion to deny permits even when an applicant satisfies threshold requirements. In *Bruen*, the Supreme Court struck down New York’s may-issue licensing scheme as unconstitutional. *Id.* at 70.

The Commissioner argues that courts have found shall-issue permitting regimes presumptively constitutional under *Bruen* such that they do not infringe on the right to keep and bear arms at Step One of *Bruen*'s test.⁵ In support, the Commissioner points to dicta in *Bruen* where the Supreme Court distinguished between shall-issue jurisdictions and may-issue jurisdictions and hinted that shall-issue permitting regimes are presumptively constitutional. *Bruen*, 597 U.S. at 38 n.9 (“[S]hall-issue’ licensing regimes . . . do not necessarily prevent ‘law-abiding, responsible citizens’ from exercising their Second Amendment right to public carry.”) (quoting *Heller*, 554 U.S. at 635); see also *id.* at 80 (Kavanaugh, J., concurring) (“Going forward, therefore, the 43 States that employ objective shall-issue licensing regimes for carrying handguns for self-defense may continue to do so.”).

While the Court finds that *Bruen* does acknowledge the presumptive constitutionality of shall-issue permitting regimes, the Court declines to insert the presumptive-constitutionality-infringement inquiry into Step One of the *Bruen* analysis absent clearer direction from the Eighth Circuit. *Bruen* instructs courts to ask whether the plain text covers

⁵ See *Moore*, 116 F.4th at 222 (“[W]e hold that non-discretionary ‘shall-issue’ licensing laws are presumptively constitutional and generally do not ‘infringe’ the Second Amendment right to keep and bear arms under step one of the *Bruen* framework.”); *McRorey v. Garland*, 99 F.4th 831, 837–38 (5th Cir. 2024) (analyzing *Bruen*'s dicta and holding that background checks before firearm sales are presumptively constitutional); cf. *Conn. Citizens Def. League, Inc. v. Thody*, No. 23-724, 2024 WL 177707, at *5 (2d Cir. 2024) (“[T]he purpose of the footnote was to clarify that ‘nothing in *Bruen*'s analysis should be interpreted to suggest the unconstitutionality of the 43 States’ ‘shall-issue’ licensing regimes.”).

an individual’s conduct, not whether the law constitutes an infringement. And the Eighth Circuit has yet to adopt other circuits’ interpretation otherwise. *See Moore*, 116 F.4th at 220; *Scheidt*, 103 F.4th at 1284. Whether shall-issue regimes are presumptively constitutional is more suitable at Step Two of the *Bruen* analysis because the inquiry does not alter the textual scope of the right to keep and bear arms. But Johnson’s proposed conduct—i.e., publicly carrying a firearm in Minnesota for self-defense—falls squarely within the scope of activity that the Second Amendment protects at Step One. *See Bruen*, 597 U.S. at 31–32.

Under the existing *Bruen* framework, the Court finds that Johnson has plausibly alleged that the plain text of the Second Amendment covers his individual conduct.

2. History

Under Step Two of *Bruen*, the Supreme Court directs courts to assess “how and why the regulations burden a law-abiding citizen’s right to armed self-defense.” *Bruen*, 597 U.S. 1, 29. This requires examining whether “modern and historical regulations impose a comparable burden on the right of armed self-defense and whether that burden is comparably justified.” *Id.* The Court finds that Minnesota’s firearm permitting regime and reciprocity provision satisfy both the “how” and “why” prongs of historical inquiry.

First, the permitting regime and reciprocity provision satisfy the “how” part of *Bruen*’s historical anal-

ysis. The requirement that individuals obtain a permit before carrying firearms in the state of Minnesota is consistent with a longstanding tradition of government regulation to ensure that only law-abiding, responsible individuals bear arms. In *Rahimi*, the Supreme Court elaborated on the history of firearm regulation, which allowed the government to proactively provide firearm security measures. *See Rahimi*, 602 U.S. at 693–98 (analyzing the history of American gun laws dating back to the common law). Here, Minnesota’s permitting regime is designed to prevent violence before it occurs by screening individuals for responsibility and lawfulness, much like surety laws which “provided a mechanism for preventing violence before it occurred.” *Id.* at 697. And Minnesota’s reciprocity provision is an extension of these preventative measures. By conditioning out-of-state permits on whether permitting standards are substantially similar to Minnesota’s, Minnesota ensures that its public safety standards are not circumvented.

Second, the permitting regime and reciprocity provision also satisfy the “why” part of *Bruen*’s historical analysis. The licensing process, which includes an in-person application, background check, and processing time, serves the legitimate governmental interest of ensuring public safety. Indeed, the Court is persuaded by the *Bruen* court’s explicit acknowledgement that “shall-issue” regimes designed to ensure that “those bearing arms in the jurisdiction are, in fact, ‘law-abiding, responsible citizens’” are presumptively constitutional. *Bruen*, 597 U.S. at 38 n.9.

Johnson argues that Minnesota's permitting regime is distinct from the surety laws used by the Commissioner to justify the permitting scheme under *Bruen's* historical analysis. According to Johnson, surety laws targeted specific individuals who were affirmatively deemed dangerous based on individualized assessments or credible threats, and only then imposed restrictions on their ability to bear arms. In contrast, Minnesota's permitting regime applies broadly and thus lacks the individualized suspicion or tailored application. Instead, Johnson argues, Minnesota's permitting scheme functions as a regulatory barrier to exercise a Second Amendment right.

However, the Court finds this distinction unavailing. The question is whether the burden imposed by precondition to carry in public is consistent with historical regulations. Minnesota's permitting regime, much like the surety laws, is preventative and targets public safety; it also applies objective standards rather than arbitrary discretion. Thus, surety laws provide historical support for Minnesota's permitting regime.

Johnson also argues that Minnesota's reciprocity provision specifically is not historically supported. But this provision does not independently burden Second Amendment rights. Instead, it merely establishes the scope of recognition of out-of-state permits. If anything, Minnesota's reciprocity provision makes it easier for individuals like Johnson to carry firearms in Minnesota; it does not add additional restrictions regarding who can or cannot carry firearms in Minnesota. Further, the provision does not prohibit out-of-state residents from carrying firearms in Minnesota

but rather requires that their out-of-state permits have similar licensing standards to those endorsed by Minnesota’s legislature. Nothing in *Bruen* or the Constitution requires states to adopt or defer to the licensing standards of other states. Indeed, states retain authority under their police powers to regulate who may carry firearms within their borders. See *Heller*, 554 U.S. at 620.

In sum, the Court finds that Minnesota’s permitting regime and reciprocity provision do not violate the Second Amendment under *Bruen*. Even though Johnson’s conduct falls within the plain text of the Second Amendment, the Court concludes that the permitting regime and reciprocity provision are “consistent with this Nation’s historical tradition of firearm regulation.” *Bruen*, 597 U.S. at 17. Because Johnson has not established that Minnesota’s regime is unconstitutional in all of its applications, his facial challenge fails.

CONCLUSION

Johnson facially challenges the constitutionality of Minnesota’s firearm permitting regime, particularly its refusal to recognize firearm permits lawfully issued by all other states. Though the Court finds that Johnson has plausibly alleged Article III standing, the Court also concludes that Minnesota’s permitting regime and reciprocity provision are constitutional under *Bruen*. Accordingly, the Court will grant the Commissioner’s motion to dismiss and dismiss this action with prejudice.

25a

ORDER

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion to Dismiss [Docket No. 12] is **GRANTED**; and
2. The Complaint [Docket No. 1] is **DISMISSED with prejudice.**

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: September 11, 2025
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge

APPENDIX C

**Minn. Stat. § 624.714 CARRYING OF WEAPONS
WITHOUT PERMIT; PENALTIES**

**Subd. 16. Recognition of permits from other
states.**

(a) The commissioner must annually establish and publish a list of other states that have laws governing the issuance of permits to carry weapons that are not similar to this section. The list must be available on the Internet. A person holding a carry permit from a state not on the list may use the license or permit in this state subject to the rights, privileges, and requirements of this section.

(b) Notwithstanding paragraph (a), no license or permit from another state is valid in this state if the holder is or becomes prohibited by law from possessing a firearm.

(c) Any sheriff or police chief may file a petition under subdivision 12 seeking an order suspending or revoking an out-of-state permit holder's authority to carry a pistol in this state on the grounds set forth in subdivision 6, paragraph (a), clause (3). An order shall only be issued if the petitioner meets the burden of proof and criteria set forth in subdivision 12. If the court denies the petition, the court must award the permit holder reasonable costs and expenses including attorney fees. The petition may be filed in any county in the state where a person holding a license or permit from another state can be found.

27a

(d) The commissioner must, when necessary, execute reciprocity agreements regarding carry permits with jurisdictions whose carry permits are recognized under paragraph (a).