

Case Summary: *United States v. Hemani*, 146 S. Ct. 1677 (2026)

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In 2022, federal agents searched the Texas home of a dual U.S.-Pakistani citizen named Ali Hemani, as part of an investigation into suspected terrorism-related activity. Hemani cooperated, surrendering his firearm, identifying marijuana in the home, and admitting to using it every other day. More than six months after the search, the federal government charged Hemani under 18 U.S.C. § 922(g)(3), which prohibits firearm possession by a person who “is an unlawful user of or addicted to any controlled substance.” Hemani was not charged on the basis of terrorist suspicions, but instead under a federal statute regarding his marijuana use.¹

Hemani argued against the indictment, saying that applying § 922(g)(3) to him violated his Second Amendment right to keep and bear arms. The federal district court agreed and dismissed the indictment, and the Fifth Circuit later agreed that the government could not constitutionally apply the prohibition to Hemani under the circumstances of his case. The government then appealed to the Supreme Court. Although the case began with a terrorism-related investigation, the

¹ *United States v. Hemani*, 146 S. Ct. 1677, 1684-85 (2026).

question eventually presented to the Court was much narrower: whether the federal government could constitutionally prohibit Hemani from possessing a firearm because he regularly used marijuana.²

The Supreme Court affirmed the judgment in Hemani’s favor. Justice Gorsuch concluded that the government’s prosecution of Hemani under § 922(g)(3)’s unlawful-user provision was inconsistent with the Second Amendment as applied to him. Importantly, however, the Court did not find § 922(g)(3) unconstitutional in every possible application. The distinction between declaring a law unconstitutional and declaring its application to a particular person unconstitutional is important to understanding *Hemani*. The Court was deciding whether the government had shown a sufficient constitutional basis for prohibiting Hemani from possessing a firearm, not whether the government could ever prohibit an unlawful drug user from possessing a firearm.³

The Court applied the historical-tradition framework developed through its previous Second Amendment cases, including *District of Columbia v. Heller*,⁴ *New York State Rifle & Pistol Association v. Bruen*,⁵ and *United States v. Rahimi*.⁶ These precedents require the government to show that applying the firearm restriction to Hemani was consistent with the nation’s historical tradition of firearm regulation. The government relied exclusively on historical laws regulating “habitual

² *Id.* at 1685.

³ *Id.* at 1693-94.

⁴ *District of Columbia v. Heller*, 554 U.S. 570, 581 (2008).

⁵ *N.Y. State Rifle & Pistol Ass’n Inc. v. Bruen*, 597 U.S. 1, 24, 28-30 (2022).

⁶ *United States v. Rahimi*, 602 U.S. 680, 692 (2024).

drunkards,” including vagrancy laws, civil-commitment statutes, and surety laws. The Court found that these historical laws differed significantly from § 922(g)(3) in the following three respects: whom they targeted, why they were enacted, and how they operated.⁷

While the historical laws restricted the liberties of habitual drunkards, they generally targeted individuals whose intoxication left them incapacitated or unable to manage their own affairs, rather than individuals who merely consumed intoxicating substances regularly. The laws also served purposes such as promoting productivity, protecting individuals and their families, and maintaining public morality, rather than uniformly preventing violence. Furthermore, these restrictions generally required some form of legal proceeding before an individual lost their liberties, whereas § 922(g)(3), as interpreted by the government, automatically prohibited firearm possession based on unlawful drug use. The government never alleged that Hemani was incapacitated, addicted, or dangerous because of his marijuana use; instead, the case depended upon his admission that he used marijuana frequently. The historical laws identified by the government, therefore, did not establish a sufficient tradition of completely disarming someone under Hemani’s circumstances.⁸

While *Hemani* was decided unanimously, the absence of a dissent should not be mistaken for an absence of disagreement.⁹ While the Justices may have agreed

⁷ *Hemani*, 146 S. Ct. at 1686-88.

⁸ *Id.* at 1688-93.

⁹ *See id.* at 1700-02 (Alito, J., concurring in the judgment).

on the outcome of Hemani's case, they differed in their Second Amendment jurisprudence. Justice Thomas joined the majority opinion in full, but he wrote separately to question whether § 922(g)(3) exceeds Congress's authority under the Commerce Clause. Justice Jackson, joined by Justice Sotomayor, also joined the majority in full because it correctly applied *Bruen* and *Rahimi*. However, she maintained that *Bruen*'s historical-tradition test is "unworkable" and argued that courts should return to means-end scrutiny, which considers the government's justification for a firearm regulation against the burden it places on constitutional rights.¹⁰ Justice Alito, joined by Justice Kagan, concurred only in the judgment and would have affirmed on narrower grounds. He reasoned that the government had failed to establish that a marijuana user like Hemani was comparable to the incapacitated habitual drunkards regulated under historical law. Alito compared marijuana use today with alcohol use at the Founding, when regular drinking alone did not justify the restrictions imposed on habitual drunkards. Rather than adopting the majority's broader historical analysis, Alito would have ended the inquiry with the government's failure to establish a sufficiently similar historical analogue.

The significance of *Hemani* is found as much in what the Court left unanswered as in what it actually decided. The decision limits the federal government's ability to apply § 922(g)(3) to a person merely because that person regularly uses marijuana, but it does not eliminate the statute or determine how it

¹⁰ See *id.* (Thomas, J., concurring); *id.* at 1698-1700 (Jackson, J., concurring).

should apply to every unlawful drug user. The Court expressly reserved several questions, including whether the government may prohibit firearm possession by individuals who are addicted to controlled substances or presently intoxicated, and whether individualized evidence of dangerousness could justify disarmament.¹¹ This distinction is particularly important for practicing attorneys. Defense attorneys can use *Hemani* to challenge the application of § 922(g)(3) when their clients' circumstances resemble his, while prosecutors will have to consider whether the facts of a particular case provide the historical justification for disarmament that was missing here.

Hemani, therefore, does not provide one universal answer to the relationship between drug use and the Second Amendment. What it provides to the legal world is a distinction between firearm restrictions and where there are justifiable applications of those restrictions. The Court answered the question presented by *Hemani*'s circumstances while expressly leaving future courts to determine how the Second Amendment applies in other situations. The decision in this case does not close the argument over when drug use can justify disarmament; it, instead, establishes the circumstances of *Hemani*'s case as one point from which that argument will continue.

¹¹ *Id.* at 1693-94.