



Written by [Bob Adelman](#) on June 17, 2024

## ATF Shooting of Bryan Malinowski in Pre-dawn Raid “Justified”

After reviewing documents from the ATF (Bureau of Alcohol, Tobacco, Firearms and Explosives) giving selective details about the raid on Bryan Malinowski’s home on March 19 that resulted in his death, Arkansas 6th Judicial District Prosecuting Attorney Will Jones [sent a letter](#) to the ATF declaring that the agent who shot and killed Malinowski [was justified in doing so](#). Jones said he had the right to defend himself against the attack by Malinowski.

Wrote Jones:

After a review of the documents, statements, and evidence provided [by the ATF], we find that the agent’s use of deadly force was justified. ... Given the totality of the circumstances, Agent 2 [unnamed] had a reasonable belief that deadly force was necessary to defend himself and Agent 1 [also unnamed].

Therefore, the use of deadly force by Agent 2 was in accordance with Arkansas law and was justified.



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What were those agents doing inside of Malinowski’s home that they were “justified” in killing him? What about Malinowski’s right to defend himself against what he and his wife perceived to be a home invasion by terrorists?

All good questions.

Here are some more:

1. Why was the raid at 6:03 a.m., when the agency knew Malinowski and his wife would likely still be asleep?
2. Why were 10 - 10! - SWAT vehicles and a dozen or more ATF agents involved in the raid?
3. Why did they use “no knock” tactics?
4. Why weren’t they wearing body cameras?
5. Why did one of the agents deliberately block the front door camera from recording the raid?
6. Why didn’t they inform Malinowski that he was a target of the “search” warrant during the day? After all, they had been tracking him and his allegedly “illegal” purchases and sales of firearms since December 2023.



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7. Who were the unnamed witnesses of the shooting who provided “testimony” in the ATF documents the agency selectively provided to Jones?

The raid began at 6:03 a.m. The ATF claimed that the sirens and flashing lights that lit up the neighborhood should have awakened Malinowski long before they knocked on his door. But after waiting 28 seconds they used a battering ram to knock down the front door, and 18 seconds later Malinowski lay dying of wounds inflicted by Agent 2.

The ATF said that Malinowski should have known who they were, as the agents were wearing coats emblazoned with ATF POLICE on them.

The family has hired an attorney who is exploring various legal remedies for the shooting. Bud Cummins, a former U.S. attorney, [released a statement saying](#):

The state’s investigation didn’t attempt to make independent judgments about whether ATF violated the law when they broke down Mr. and Mrs. Malinowski’s front door. But that question should be a matter of grave concern for the rest of us....

A search warrant is not supposed to necessarily be a license for a home invasion, especially during an investigation of such a low-level violation with such little risk involved in the search....

How long is it reasonable to wait for someone to answer their front door at 6:00 am in response to an unexplained loud pounding in a 3000 square foot, fully insulated home? Let’s pray the answer isn’t 28 seconds....

A U.S. citizen was given 28 seconds before his home was forcefully invaded by armed government intruders and he was killed in front of his wife.

This is far from over.

The affidavit issued by the U.S. District Court for the Eastern District of Arkansas alleged that Malinowski bought more than 150 firearms over the last four years, and sold some of them at various gun shows. The family’s attorney said that he actually sold fewer than a dozen of them over that period. And the ATF, following the raid, were only able to confiscate 61 firearms.

Malinowski’s big mistake was selling some to undercover ATF agents trying to set him up to make an example of him. The ATF claims that he was selling them without a license; that he was, in their world, a “gun dealer” who needed to apply for a federal firearms license. In Arkansas, an individual is free to buy and sell firearms privately without a background check. The ATF disagreed, and Malinowski was shot to death inside his own home during a pre-dawn raid to make the point.

The tactics used by the ATF were so outrageous that they caught the attention of Rep. Jim Jordan (R-Ohio), head of the House Judiciary Committee, who [wrote a letter](#) to the ATF stating: “ATF has not explained why it resorted to a no knock entry of Mr. Malinowski’s home when it could have peacefully executed the warrant while he was away from his residence.”

Getting full and complete answers to Jordan’s and others’ questions is unlikely to happen, as Lee Williams, an investigative reporter for *The Gun Mag*, the official magazine of the Second Amendment Foundation, [learned](#):



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Arkansas State Police Director Col. Mike Hagar was unavailable to be interviewed....

Arkansas State Police Major Stacie Rhoads, who commands the Criminal Investigation Division, did not return emails or messages....

Sixth Judicial District Prosecuting Attorney Will Jones did not return calls or messages....

Joshua Jackson, Special Agent in Charge of ATF's New Orleans Field Division, did not return calls seeking comment.

In other words, "Just go away."

So far, the ATF has refused to answer any of Jordan's questions, or provide information demanded by his committee on the pre-dawn raid of an innocent, law-abiding gun owner by the ATF as it succeeded in flexing its deadly-force muscles pursuant to its agenda.

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