UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

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WILLIAM WIESE, an individual; JEERMIAH MORRIS, an individual; LANCE COWLEY, an individual; SHERMAN MACASTON, an individual; CLIFFORD FLORES, individually and as trustee of the Flores Family Trust; L.Q. DANG, an individual; FRANK FEDEREAU, an individual; ALAN NORMANDY, an individual; TODD NIELSEN, an individual; THE CALGUNS FOUNDATION; FIREARMS POLICY COALITION; FIREARMS POLICY FOUNDATION; and SECOND AMENDMENT FOUNDATION, Plaintiffs, v. XAVIER BECERRA, in his official capacity as Attorney General of California; and MARTHA SUPERNOR, in her official capacity as Acting Chief of the Department of Justice Bureau of Firearms, Defendants.	No. 2:17-cv-903 WBS KJN <u>ORDER</u>

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AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The court previously lifted the stay in this case after the Supreme Court vacated the judgment in Duncan v. Bonta, No. 19-55376, and the Ninth Circuit remanded Duncan for further proceedings consistent with New York State Rifle & Pistol Ass'n, Inc. v Bruen, 142 S. Ct. 2111 (2022). (Docket No. 116.) The court notes that plaintiffs wish to move for summary judgment forthwith without any discovery, while defendants seek expert and fact discovery before the parties file cross motions for summary judgment. (Docket No. 115.)

Having considered the parties' positions, the court will allow plaintiffs to file their motion for summary judgment forthwith. The court will then consider request under Federal Rule of Civil Procedure 56(d) after plaintiffs' motion for summary judgment has been filed, should defendants feel discovery is necessary to respond to plaintiffs' motion.

The January 17, 2023 status conference is hereby VACATED.

IT IS SO ORDERED.

Dated: January 13, 2023

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE