UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

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

ORDER

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

This case is set for hearing on the parties' cross motions for summary judgment on October 30, 2023. As the court previously noted, a Ninth Circuit en banc panel has elected to take as a "comeback case" the appeal of Duncan v. Bonta, 3:17-cv-1017 BEN JLB (S.D. Cal.), which permanently enjoined the statute at issue in this case, and that panel has determined, among other things, that the Attorney General has shown a likelihood of success on the merits in that case, warranting a stay of the district court's permanent injunction. No. 23-550805, Duncan v. Bonta (9th Cir. Oct. 10, 2023).

Because the issues in the Duncan appeal are nearly identical to those presented in this case, and because the en banc panel will hold a hearing on the merits in the near future, this case is hereby STAYED pending resolution of the Duncan appeal. See Nken v. Holder, 556 U.S. 418, 421 (2009); Landis v. N. Am. Co., 299 U.S. 248, 254 (1936).

The October 30, 2023 hearing on the parties' motions for summary judgment is hereby VACATED. The parties shall file a joint status report within 14 days after the Ninth Circuit issues a decision in the Duncan appeal.

IT IS SO ORDERED.

Dated: October 17, 2023

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE