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. The court notes that 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. The court further notes that the en banc panel 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).

In light of the foregoing, within five days from the date of this order the parties shall file a joint status report stating their positions as to whether this court should stay proceedings in this case pending the Ninth Circuit's decision on the merits in Duncan v. Bonta, No. 23-550805. After reviewing the parties' joint status report, the court will notify the parties whether it will proceed with the October 30, 2023 hearing on the parties' cross motions for summary judgment.

IT IS SO ORDERED

Dated: October 11, 2023

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE