

**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

VIRGINIA DUNCAN; RICHARD LEWIS;  
PATRICK LOVETTE; DAVID  
MARGUGLIO; CHRISTOPHER  
WADDELL; CALIFORNIA RIFLE &  
PISTOL ASSOCIATION, INC., a  
California corporation,  
*Plaintiffs-Appellees,*

v.

ROB BONTA, in his official capacity  
as Attorney General of the State of  
California,

*Defendant-Appellant.*

No. 19-55376

D.C. No.  
3:17-cv-01017-  
BEN-JLB

ORDER

On Remand from the United States Supreme Court

Filed September 23, 2022

Before: Mary H. Murguia, Chief Judge, and Sidney R.  
Thomas, Susan P. Graber, Richard A. Paez, Marsha S.  
Berzon, Sandra S. Ikuta, Paul J. Watford, Andrew D.  
Hurwitz, Ryan D. Nelson, Patrick J. Bumatay and  
Lawrence VanDyke, Circuit Judges.

Order

**SUMMARY\***

---

**Civil Rights/Second Amendment**

Following the Supreme Court's order vacating this court's judgment, *Duncan v. Bonta*, 142 S. Ct. 2895 (2022), the en banc court remanded this case to the to the district court for further proceedings consistent with *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. \_\_\_\_, 142 S. Ct. 2111 (2022).

Judge Bumatay and Judge VanDyke dissented from the order remanding this case to the district court.

---

**COUNSEL**

Samuel P. Siegel and Helen H. Hong, Deputy Solicitors General; John D. Echeverria, Deputy Attorney General; P. Patty Li, Supervising Deputy Attorney General; Thomas S. Patterson, Senior Assistant Attorney General; Michael J. Mongan, Solicitor General; Rob Bonta, Attorney General; Office of the Attorney General, Sacramento, California; for Defendant-Appellant.

Erin E. Murphy, Paul D. Clement, and Nicholas M. Gallagher, Clement & Murphy PLLC, Alexandria, Virginia; Kasdin M. Mitchell and William K. Lane III, Kirkland & Ellis LLP, Washington, D.C.; C.D. Michel, Anna M. Barvir,

---

\* This summary constitutes no part of the opinion of the court. It has been prepared by court staff for the convenience of the reader.

---

and Sean A. Brady, Michel & Associates P.C., Long Beach, California; for Plaintiffs-Appellees.

Jonathan E. Lowy and T. Tanya Schardt, Brady, Washington, D.C.; Rafael Reyneri, Scott D. Danzis, Thomas C. Villalon, and Nora Conneely, Covington & Burling LLP, Washington, D.C.; for Amicus Curiae Brady.

Scott A. Edelman, Gibson Dunn & Crutcher LLP, Los Angeles, California; Vivek R. Gopalan, Matthew C. Reagan, and Zhen He Tan, Gibson Dunn & Crutcher LLP, San Francisco, California; Hannah Shearer and Hannah Friedman, Giffords Law Center to Prevent Gun Violence, San Francisco, California; J. Adam Skaggs, Giffords Law Center to Prevent Gun Violence, New York, New York; for Amici Curiae Giffords Law Center to Prevent Gun Violence and March for Our Lives Action Fund.

Antonio J. Perez-Marques and Antonio M. Haynes, David Polk & Wardwell LLP, New York, New York; Eric Tirschwell, Mark Anthony Frassetto, Janet Carter, and William J. Taylor Jr., Everytown Law, New York, New York; for Amicus Curiae Everytown for Gun Safety.

Christa Y. Nicols, Brady, Washington, D.C., for Amicus Curiae Team ENOUGH.

Jonathan K. Baum, Katten Muchin Rosenman LLP, Chicago, Illinois; Mark T. Ciani, Katten Muchin Rosenman LLP, New York, New York; for Amici Curiae California Chapter of the American College of Emergency Physicians, American Academy of Pediatrics California, and California Academy of Family Physicians.

Karl A. Racine, Attorney General; Loren L. Alikhan, Solicitor General; Caroline S. Van Zile, Principal Deputy Solicitor General; Carl J. Schifferle, Deputy Solicitor General; Sonya L. Lebsack, Assistant Attorney General; Office of the Solicitor General, Washington, D.C.; William Tong, Attorney General, Hartford, Connecticut; Kathleen Jennings, Attorney General, Wilmington, Delaware; Clare E. Connors, Attorney General, Honolulu, Hawaii; Kwame Raoul, Attorney General, Chicago, Illinois; Brian E. Frosh, Attorney General, Baltimore, Maryland; Maura Healey, Attorney General, Boston, Massachusetts; Dana Nessel, Attorney General, Lansing, Michigan; Keith Ellison, Attorney General, St. Paul, Minnesota; Gurbir S. Grewal, Attorney General, Trenton, New Jersey; Hector Balderas, Attorney General, Santa Fe, New Mexico; Letitia James, Attorney General, New York, New York; Ellen F. Rosenblum, Attorney General, Salem, Oregon; Josh Shapiro, Attorney General, Harrisburg, Pennsylvania; Peter F. Neronha, Attorney General, Providence, Rhode Island; Thomas J. Donovan Jr., Attorney General, Montpelier, Vermont; Mark R. Herring, Attorney General, Richmond, Virginia; Robert W. Ferguson, Attorney General, Olympia, Washington; for Amici Curiae District of Columbia, Connecticut, Delaware, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington.

Michael N. Feuer, City Attorney; Kathleen Kenealy, Chief Assistant City Attorney; Scott Marcus, Senior Assistant City Attorney; Danielle L. Goldstein, James P. Clark, and Blithe Smith Bock, Deputy City Attorneys; Office of the City Attorney, Los Angeles, California; Dennis J. Herrera, City Attorney, Office of the City Attorney, San Francisco, California; Barbara J. Parker, City Attorney, Office of the

City Attorney, Oakland, California; Mara W. Elliott, City Attorney; Jonathan I. Lapin, Chief Deputy City Attorney; Office of the City Attorney, San Diego, California; Yibin Shen, City Attorney; Michael Roush, Chief Assistant City Attorney; Montague Hung, Deputy City Attorney; Office of the City Attorney, Alameda, California; Scott H. Howard, City Attorney, Pasadena, California; George S. Cardona, Interim City Attorney, Santa Monica, California; John A. Nagel, City Attorney; Rebecca L. Moon, Senior Assistant City Attorney; Office of the City Attorney, Sunnyvale, California; Michael Jenkins, City Attorney, Best Best & Krieger LLP, Manhattan Beach, California; for Amici Curiae City of Los Angeles, City and County of San Francisco, City of San Diego, City of Oakland, City of West Hollywood and Mayor Lindsey P. Horvath, City of Alameda, City of Calabasas, City of Santa Monica, and City of Sunnyvale.

James E. Hough, Jamie A. Levitt, and Cesar A. Francia, Morrison & Foerster LLP, New York, New York; Daniel A. Goldschmidt, Morrison & Foerster LLP, Chiyoda-ku, Tokyo, Japan; James R. Sigel, Morrison & Foerster LLP, San Francisco, California; Samuel B. Goldstein, Morrison & Foerster LLP, Washington, D.C.; for Amici Curiae Pride Fund to End Gun Violence, Equality California, and Gays Against Guns.

Stephen P. Halbrook, Fairfax, Virginia; Nezida S. Davis, Bakari Law LLC, Decatur, Georgia; for Amici Curiae National African American Gun Association Inc. and Pink Pistols.

Jeremiah L. Morgan, Robert J. Olson, William J. Olson, and Herbert W. Titus, William J. Olson P.C., Vienna, Virginia; Joseph W. Miller, Joseph Miller Law Offices LLC,

Fairbanks, Alaska; Steven C. Bailey and Gary G. Kreep, Ramona, California; John Harris, Nashville, Tennessee; for Amici Curiae Gun Owners of America, Inc.; Gun Owners Foundation; Gun Owners of California; California Constitutional Rights Foundation; Virginia Citizens Defense League; Montana Shooting Sports Association; Oregon Firearms Federation; Tennessee Firearms Association; Conservation Legal Defense and Education Fund; Policy Analysis Center; Heller Foundation; Restoring Liberty Action Committee; Oregon Firearms Federation; Grass Roots North Carolina; Rights Watch International; America's Future, Inc.; Downsize DC Foundation; and DownsizeDC.org.

John Parker Sweeney, James W. Porter III, Marc A. Nardone, and Candice L. Rucker, Bradley Arant Boult Cummings, Washington, D.C., for Amicus Curiae National Rifle Association of America Inc.

Dan M. Peterson, Dan M. Peterson PLLC, Fairfax, Virginia, for Amici Curiae National Association of Chiefs of Police, Western States Sheriffs' Association, California Reserve Peace Officers Association, San Francisco Veteran Police Officers Association, International Law Enforcement Educators and Trainers Association, Law Enforcement Legal Defense Fund, California State Sheriffs' Association, New Mexico Sheriffs' Association, Association of New Jersey Rifle & Pistol Clubs Inc., Bridgeville Rifle & Pistol Club, Connecticut Citizens Defense League, Delaware State Sportsmen's Association, Gun Owners' Action League Massachusetts, Gun Owners of California, Maryland State Rifle & Pistol Association, New York State Rifle & Pistol Association, Vermont Federation of Sportsmen's Clubs, Vermont State Rifle & Pistol Association, and Virginia Shooting Sports Association.

Joseph G.S. Greenlee, Firearms Policy Coalition, Sacramento, California; George M. Lee, Seiler Epstein LLP, San Francisco, California; for Amici Curiae William Wiese, Jeremiah Morris, Lance Cowley, Sherman Macaston, Clifford Flores, L.Q. Dang, Frank Federau, Alan Normandy, Todd Nielsen, California Gun Rights Foundation, Firearms Policy Coalition, Firearms Policy Foundation, Armed Equality, San Diego County Gun Owners, Orange County Gun Owners, Riverside County Gun Owners, California County Gun Owners, and Second Amendment Foundation.

Donald E. J. Kilmer Jr., Law Offices of Donald Kilmer APC, San Jose, California, for Amicus Curiae Madison Society Foundation Inc.

John Cutonilli, Garrett Park, Maryland, pro se Amicus Curiae.

Patrick S. Loi and Anthony P. Schoenberg, Farella Braun & Martel LLP, San Francisco, California, for Amicus Curiae Americans Against Gun Violence.

Marek Suchenek Ph.D., Long Beach, California, pro se Amicus Curiae.

Mark Brnovich, Attorney General; Joseph A. Kanefield, Chief Deputy & Chief of Staff; Brunn W. Roysden III, Solicitor General; Michael S. Catlett, Deputy Solicitor General; Office of the Attorney General, Phoenix, Arizona; Jeff Landry, Attorney General; Elizabeth B. Murrill, Solicitor General; Josiah Kollmeyer, Assistant Solicitor General; Department of Justice, Baton Rouge, Louisiana; Steve Marshall, Attorney General, State of Alabama; Treg Taylor, Attorney General, State of Alaska; Leslie Rutledge,

Attorney General, State of Arkansas; Christopher M. Carr, Attorney General, State of Georgia; Lawrence G. Wasden, Attorney General, State of Idaho; Theodore E. Rokita, Attorney General, State of Indiana; Derek Schmidt, Attorney General, State of Kansas; Daniel Cameron, Attorney General, Commonwealth of Kentucky; Lynn Fitch, Attorney General, State of Mississippi; Eric S. Schmitt, Attorney General, State of Missouri; Austin Knudsen, Attorney General, State of Montana; Douglas J. Peterson, Attorney General, State of Nebraska; Dave Yost, Attorney General, State of Ohio; Mike Hunter, Attorney General, State of Oklahoma; Alan Wilson, Attorney General, State of South Carolina; Jason R. Ravensborg, Attorney General, State of South Dakota; Ken Paxton, Attorney General, State of Texas; Sean D. Reyes, Attorney General, State of Utah; Patrick Morrissey, Attorney General, State of West Virginia; Bridget Hill, Attorney General, State of Wyoming; for Amici Curiae States of Arizona, Louisiana, Alabama, Alaska, Arkansas, Georgia, Idaho, Indiana, Kansas, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, West Virginia, Wyoming, and Commonwealth of Kentucky.

Craig A. Livingston and Crystal L. Van Der Putten, Livingston Law Firm P.C., Walnut Creek, California; Lawrence G. Keane and Benjamin F. Erwin, National Shooting Sports Foundation Inc., Newtown, Connecticut; for Amicus Curiae National Shooting Sports Foundation Inc.



**ORDER**

The judgment in this case is vacated, *Duncan v. Bonta*, 142 S. Ct. 2895 (2022), and this case is remanded to the district court for further proceedings consistent with *New York State Rifle & Pistol Ass 'n, Inc. v. Bruen*, 597 U.S. \_\_\_\_, 142 S. Ct. 2111 (2022).

Judge Bumatay and Judge VanDyke dissent from the order remanding this case to the district court.

The parties shall bear their own attorney's fees, costs, and expenses. This order constitutes the mandate of this court.

**VACATED and REMANDED.**