

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. _____

DEBBIE BONIDY,
TAB BONIDY, and
NATIONAL ASSOCIATION FOR GUN RIGHTS,

Plaintiffs,

v.

UNITED STATES POSTAL SERVICE,
JOHN POTTER, Postmaster General, and
STEVE RUEHLE, Postmaster, Avon, Colorado,

Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs Debbie Bonidy, Tab Bonidy, and the National Association for Gun Rights, by and through their undersigned attorney, hereby file this Complaint against Defendants and allege as follows:

NATURE OF THE CLAIMS

1. Plaintiffs seek declaratory and injunctive relief for Defendants' deprivation of the right to keep and bear arms guaranteed by the United States Constitution.

JURISDICTION

2. This Court has jurisdiction over Plaintiffs' claims for relief pursuant to 39 U.S.C. §§ 401(1) and 409(a), because this action is brought against the United States Postal Service. Jurisdiction is also proper pursuant to 28 U.S.C. § 1331, because the claims arise under the United States Constitution.

VENUE

3. Venue rests properly in this Court pursuant to 28 U.S.C. § 1391(b) and (e), because, *inter alia*, a substantial part of the events or omissions giving rise to the claims occurred within this judicial district and a defendant in the action resides within this judicial district.

PARTIES

4. Plaintiff Debbie Bonidy is a citizen of the United States and a resident of Colorado. Mrs. Bonidy possesses a valid permit to carry a concealed handgun, issued in 2009 pursuant to Colorado's Concealed Carry Act, C.R.S. § 18-12-206. Mrs. Bonidy is a member of the National Association for Gun Rights ("NAGR").

5. Plaintiff Tab Bonidy is a citizen of the United States and a resident of Colorado. Mr. Bonidy possesses a valid permit to carry a concealed handgun, issued in 2009 pursuant to Colorado's Concealed Carry Act, C.R.S. § 18-12-206. Mr. Bonidy is a member of NAGR.

6. Plaintiff National Association for Gun Rights is a membership organization incorporated under the laws of Virginia with its principal place of business in Fredericksburg, Virginia. NAGR has members and supporters throughout the United States, including in Colorado. The purposes of NAGR include securing through education, outreach, and litigation the

constitutional and statutory right to privately own, possess, and carry firearms. NAGR brings this action on behalf of itself and its members.

7. Defendant United States Postal Service (“USPS”) is “an independent establishment of the executive branch of the government of the United States” 39 U.S.C. § 201. The USPS is responsible for providing “postal facilities of such character and in such locations, that postal patrons throughout the Nation will . . . have ready access to essential postal services.” 39 U.S.C. § 403(b)(3). USPS is authorized “to adopt . . . rules and regulations . . . as may be necessary in the execution of its functions.” 39 U.S.C. § 403(2). USPS, by creating and enforcing the policy complained of in this action, currently is depriving Plaintiffs of the right to keep and bear arms guaranteed by the United States Constitution.

8. John Potter is the Postmaster General of the USPS. Defendant Potter is responsible for the administration of the USPS and, by creating and enforcing the policy complained of in this action, currently is depriving Plaintiffs of the right to keep and bear arms guaranteed by the United States Constitution. Defendant Potter is sued in both his individual and official capacities.

9. Steve Ruehle is the Postmaster of the Post Office at 111 West Beaver Creek Boulevard, Avon, Colorado 81620-9997. Defendant Ruehle is responsible for the administration of the Post Office at 111 West Beaver Creek Boulevard in Avon, Colorado, and, by enforcing the policies complained of in this action, currently is depriving Plaintiffs of the right to keep and bear arms guaranteed by the United States Constitution. Defendant Ruehle is sued in both his individual and official capacities.

STATEMENT OF FACTS

10. The Second Amendment to the United States Constitution provides: “A well regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.”

11. The Second Amendment guarantees individuals a fundamental right to possess functional firearms—including handguns, rifles, and shotguns—for purposes of self-defense.

12. The Second Amendment guarantees, *inter alia*, “the individual right to possess and carry weapons in case of confrontation.” *District of Columbia v. Heller*, 554 U.S. ___, 128 S. Ct. 2783, 2797 (2008); *McDonald v. Chicago*, 561 U.S. ___, 130 S. Ct. 3020, 3036 (2010).

13. With certain limited exceptions not applicable to the Plaintiffs, USPS regulations prohibit law-abiding individuals from carrying functional firearms, openly or concealed, onto any real property under the charge and control of the USPS. 39 C.F.R. § 232.1(l).

14. Violation of 39 C.F.R. § 232.1(l) is punishable by fine, imprisonment, or both. 39 C.F.R. § 232.1(p)(2).

15. The Bonidys live in rural Colorado and they do not have home mail service.

16. The local Post Office—at 111 West Beaver Creek Boulevard, Avon, Colorado 81620-9997—provides the Bonidys and their neighbors with post office boxes at no charge.

17. The Bonidys must drive approximately 10 miles roundtrip from their home to reach the local Post Office to pick up their mail.

18. The Bonidys lawfully own handguns, which they are licensed to carry pursuant to Colorado’s Concealed Carry Act, C.R.S. § 18-12-201 *et seq.* Mr. and Mrs. Bonidy presently intend to possess a handgun for self-defense when traveling to, from, through, or on USPS

property but are prevented from doing so by Defendants' active enforcement of 39 C.F.R. § 232.1(*l*).

19. The Bonidys have met all the requirements of Colorado's Concealed Carry Act, which creates a comprehensive statewide regulatory scheme for the concealed carry of handguns. They are residents of Colorado, are over 21 years old, have no history of substance abuse or criminal activity, are not subject to a protection order, have demonstrated competency with a handgun, and have been approved by the Eagle County Sheriff to carry a concealed handgun almost everywhere in the State. *See* C.R.S. § 18-12-203.

20. On July 22, 2010, the Bonidys, through counsel, contacted the USPS to inquire as to whether they would be subject to prosecution pursuant to 39 C.F.R. § 232.1(*l*) if they carried a firearm on USPS property or stored a firearm in their cars when they parked on USPS property when picking up their mail. Exh. 1.

21. On August 3, 2010, Senior Vice President and General Counsel Mary Anne Gibbons responded, on behalf of Postmaster General John Potter, to the Bonidys' July 22, 2010, letter. Ms. Gibbons stated, "the regulations governing Conduct on Postal Property prevent the Bonidys from carrying firearms, openly or concealed, onto any real property under the charge and control of the Postal Service. . . . There are limited exceptions to this policy that would not apply here." Exh. 2.

CLAIM FOR RELIEF
(Functional Firearms Ban)
(Right to Keep and Bear Arms)
(Declaratory and Injunctive Relief)

22. Plaintiffs hereby reallege and incorporate the allegations in the preceding paragraphs as if the same were fully set forth here.

23. The right to keep and bear functional firearms for the core lawful purpose of self-defense is guaranteed by the Second Amendment to the United States Constitution.

24. USPS regulations prohibit law-abiding individuals from carrying functional firearms, openly or concealed, onto any real property under the charge and control of the USPS. 39 C.F.R. § 232.1(*l*).

25. By prohibiting Plaintiffs from possessing a functional firearm on real property under the charge and control of the USPS, Defendants currently maintain and actively enforce a set of laws, customs, practices, and policies that deprive Plaintiffs of the right to keep and bear arms, in violation of the Second Amendment.

26. Plaintiffs are therefore entitled to declaratory and permanent injunctive relief against continued enforcement and maintenance of Defendants' unconstitutional customs, policies, and practices. *See* 28 U.S.C. §§ 2201, 2202.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

- A. Declare that 39 C.F.R. § 232.1(*l*) deprives Plaintiffs of the right to keep and bear arms for self-defense guaranteed by the Second Amendment, by prohibiting possession of functional firearms on any real property under the charge and control of the USPS;
- B. Permanently enjoin Defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them, from enforcing 39 C.F.R. § 232.1(*l*), which prohibits possession of functional firearms on any real property under the charge and control of the USPS;
- C. Award Plaintiffs their costs, attorneys' fees, and other expenses in accordance with law;
- D. Award Plaintiffs any further relief this Court deems just and equitable.

DATED this 4th day of October 2010.

Respectfully Submitted By:

/s/ James M. Manley
James M. Manley, Esq.
Mountain States Legal Foundation
2596 South Lewis Way
Lakewood, Colorado 80227
(303) 292-2021
(303) 292-1980 (facsimile)
jmanley@mountainstateslegal.com

Attorney for Plaintiffs

Exhibit 1



MOUNTAIN
STATES
LEGAL
FOUNDATION

2596 South Lewis Way
Lakewood, Colorado 80227
303-292-2021 • FAX 303-292-1980
www.mountainstateslegal.org

July 22, 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED 7004 2510 0006 1985 8680

John Potter
Postmaster General
United States Postal Service
475 L'Enfant Plaza SW, Room 10022
Washington, D.C. 20260-0010

Re: Postal Service Firearms Ban, 36 C.F.R. § 232.1(l)

Dear Postmaster General Potter:

I write on behalf of my clients, Tab and Debbie Bonidy. The Bonidys live in rural Colorado and because they do not have home mail service, the local Post Office, in Avon, Colorado, provides the Bonidys and their neighbors with post office boxes at no charge. They must drive approximately 10 miles roundtrip from their home to reach the Post Office to pick up their mail. Mr. and Mrs. Bonidy are both licensed pursuant to Colorado law to carry a handgun, and they both regularly carry a handgun for self-defense.

The Bonidys intend to exercise their right to bear arms on Postal property, but are prevented from doing so by the Postal Service's regulatory firearms ban, 39 C.F.R. § 232.1(l). The Bonidys fear prosecution under 39 C.F.R. § 232.1(l) if they carry a firearm on Postal property. Moreover, the threat of prosecution remains even if they store their firearms in their cars when they pick up their mail, because they normally must park on Postal property.

The Postal Service's total ban on firearms possession violates "the individual right to possess and carry weapons in case of confrontation" protected by the Second Amendment. *District of Columbia v. Heller*, 554 U.S. ___, 128 S. Ct. 2783, 2797 (2008); *McDonald v. Chicago*, 561 U.S. ___, slip op. at 31 (2010). This regulatory prohibition is broader than the federal statute governing firearms on federal land, which recognizes the right of individuals to possess firearms in most federal facilities "incident to hunting or other lawful purposes." 18 U.S.C. § 930(d)(3).

Postmaster General John Potter
July 22, 2010
Page 2


The broad reach of 39 C.F.R. § 232.1(l) "makes it impossible for citizens to use [firearms] for the core lawful purpose of self-defense and is hence unconstitutional." *Heller*, 128 S. Ct. at 2819. The Postal Service's regulatory ban effectively denies the right to keep and bear arms not just on Postal property, but everywhere a law-abiding gun owner travels before and after visiting Postal property. My clients' right to bear arms is violated by 39 C.F.R. § 232.1(l) when they are traveling to, from, or through publicly-accessible Postal property because the regulatory ban does not even allow individuals to safely store a firearm in their vehicles. An individual who has a hunting rifle or shotgun in his trunk, or a handgun in his glove compartment for self-defense, would violate the Postal Service ban simply by driving onto Postal property.

My clients respectfully request that the Postal Service recognize their right to bear arms by repealing or amending 39 C.F.R. § 232.1(l). If I do not receive confirmation within the next thirty days that you intend to repeal the regulation in question, my clients will avail themselves of other legal remedies available to them.

Thank you for your consideration in this matter.

Sincerely,

MOUNTAIN STATES LEGAL FOUNDATION



James M. Manley
Staff Attorney

cc: Ms. Mary Anne Gibbons
Senior Vice President, General Counsel
United States Postal Service
475 L'Enfant Plaza, SW, Room 6004
Washington, D.C. 20260-1100

Mr. Sylvester Black
Postal Service Area Vice President
United States Postal Service Western Area Office
1745 Stout Street, Suite 500
Denver, Colorado 80299-6200

Mr. Selwyn Epperson
Colorado/Wyoming District Manager
United States Postal Service Colorado/Wyoming District
7500 East 53rd Place, Room 2204
Denver, Colorado 80266-9998

Exhibit 2

MARY ANNE GIBBONS
SENIOR VICE PRESIDENT, GENERAL COUNSEL



August 3, 2010

James M. Manley
Staff Attorney
Mountain States Legal Foundation
2596 South Lewis Way
Lakewood, Colorado 80227-1980

RE: Postal Service Firearms Ban, 36 C.F.R. § 232.1(l)

Dear Mr. Manley:

Thank you for your letter to the Postmaster General on behalf of your clients, Tab and Debbie Bonidy, asking that the Postal Service amend its regulations to recognize their individual right to bear arms under the Second Amendment to the U.S. Constitution. Mr. Potter has asked that I respond to your letter on his behalf.

You are correct that the regulations governing Conduct on Postal Property prevent the Bonidys from carrying firearms, openly or concealed, onto any real property under the charge and control of the Postal Service. 39 C.F.R. § 232.1(l) ("Notwithstanding the provisions of any other law, rule or regulation, no person while on postal property may carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, or store the same on postal property, except for official purposes.") There are limited exceptions to this policy that would not apply here.

We have reviewed this prohibition in the past, and we believe that 18 U.S.C. § 3061 provides the Postal Service with the legal authority for our current policy. See 18 U.S.C. § 3061(c)(4)(A) (authorizing the Postmaster General to "prescribe regulations necessary for the protection and administration of property owned or occupied by the Postal Service and persons on the property"). We also note that the U.S. Court of Appeals for the Fifth Circuit held this prohibition to be constitutional under the presumptively lawful category of "sensitive place" regulations acknowledged in District of Columbia v. Heller, 128 S. Ct. 2783 (2008). See United States v. Dorosan, 350 F. App'x 874 (5th Cir. 2009) (per curiam), cert. denied, 130 S. Ct. 1714 (March 1, 2010) (affirming an employee's conviction for storing a handgun in a car parked on postal property).

Nevertheless, we intend to seek review of our policy from the Department of Justice on the issues you have raised and look forward to hearing their response to that request. Thank you again for bringing this concern to our attention.

Sincerely,

A handwritten signature in cursive script that reads "Mary Anne Gibbons".

Mary Anne Gibbons

475 L'ENFANT PLAZA SW
WASHINGTON, DC 20260-1100
202-268-2950
FAX: 202-268-6981
E-MAIL: MARY.ANNE.GIBBONS@USPS.GOV
WWW.USPS.COM

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cc Mr. Potter
Mr. Black
Mr. Epperson

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

DEBBIE BONIDY; TAB BONIDY;
NATIONAL ASSOCIATION FOR GUN RIGHTS

(b) County of Residence of First Listed Plaintiff Eagle County, Colorado
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

UNITED STATES POSTAL SERVICE; JOHN POTTER,
Postmaster General; STEVE RUEHLE, Postmaster, Avon, Colorado

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

(c) Attorney's (Firm Name, Address, and Telephone Number)
(see attachment)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 424 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

- (Place an "X" in One Box Only)
- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):
Second Amendment to the United States Constitution.

Brief description of cause:

USPS regulations prohibit functional firearms on real property under the charge and control of the USPS.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

10/04/2010

SIGNATURE OF ATTORNEY OF RECORD

/s/James M. Manley

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

ATTACHMENT
CIVIL COVER SHEET

PLAINTIFFS' ATTORNEY

James M. Manley, Esq. (CO Bar # 40327)
Mountain States Legal Foundation
2596 South Lewis Way
Lakewood, Colorado 80227
(303) 292-2021
(303) 292-1980 (facsimile)
jmanley@mountainstateslegal.com

Court Name: U.S. District Court, Colorado

Division: 1

Receipt Number: COX031806

Cashier ID: sq

Transaction Date: 10/04/2010

Payer Name: STEVEN LECHNER

CIVIL FILING FEE

For: STEVEN LECHNER

Amount: \$350.00

CREDIT CARD

Amt Tendered: \$350.00

Total Due: \$350.00

Total Tendered: \$350.00

Change Amt: \$0.00

10-CV-2408

A fee of \$45.00 will be assessed on
any returned check.