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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10	Deanna Sykes, Andrew Witham,	)	Case No.
	Adam Richards, Second Amendment	)	
11	Foundation, Inc., and The Calguns	)	
	Foundation, Inc.,	)	<b>COMPLAINT</b>
12		)	
	Plaintiffs,	)	42 U.S.C. §§ 1983, 1988
13		)	
	v.	)	
14		)	
	John McGinness, County of Sacramento,	)	
15	Ed Prieto, and County of Yolo,	)	
		)	
16	Defendants.	)	

17  
18 **COMPLAINT**

19 COME NOW the Plaintiffs, Deanna Sykes, Andrew Witham, Adam Richards, Second  
20 Amendment Foundation, Inc. (“SAF”), and The Calguns Foundation, Inc. (“CGF”), by and  
21 through undersigned counsel, and complain of Defendants as follows:

22 **THE PARTIES**

23 1. Plaintiff Deanna Sykes is a natural person and a citizen of the United States and of  
24 the State of California, residing in Sacramento County, California. Plaintiff Sykes is a member of  
25 SAF and a supporter of and participant in CGF activities.

26 2. Plaintiff Andrew Witham is a natural person and a citizen of the United States and  
27 of the State of California, residing in Sacramento County, California. Plaintiff Witham is a  
28 member of SAF and a supporter of and participant in CGF activities.

1           3.       Plaintiff Adam Richards is a natural person and a citizen of the United States and  
2 of the State of California, residing in Yolo County, California. Plaintiff Richards is a member of  
3 SAF and a supporter of and participant in CGF activities.

4           4.       Plaintiff Second Amendment Foundation, Inc. is a non-profit membership  
5 organization incorporated under the laws of Washington with its principal place of business in  
6 Bellevue, Washington. SAF has over 650,000 members and supporters nationwide, including  
7 California. The purposes of SAF include education, research, publishing and legal action  
8 focusing on the Constitutional right to privately own and possess firearms, and the consequences  
9 of gun control. SAF brings this action on behalf of itself and its members.

10          5.       Plaintiff The Calguns Foundation, Inc. is a non-profit organization incorporated  
11 under the laws of California with its principal place of business in Redwood City, California. The  
12 purposes of CGF include supporting the California firearms community by promoting education  
13 for all stakeholders about California and federal firearm laws, rights and privileges, and  
14 defending and protecting the civil rights of California gun owners. CGF represents these  
15 members and supporters, which include California gun owners. CGF brings this action on behalf  
16 of itself and its supporters, who possess all the indicia of membership.

17          5.       Defendant County of Sacramento is a municipal entity organized under the  
18 Constitution and laws of the State of California.

19          6.       Defendant John McGinness is the Sheriff of Sacramento County, and as such, he  
20 is responsible for formulating, executing and administering Sacramento County's laws, customs,  
21 practices, and policies at issue in this lawsuit; has enforced the challenged laws, customs and  
22 practices against plaintiffs, and is in fact presently enforcing the challenged laws, customs and  
23 practices against plaintiffs. Defendant McGinness is sued in both his individual and official  
24 capacities.

25          7.       Defendant County of Yolo is a municipal entity organized under the Constitution  
26 and laws of the State of California.

27          8.       Defendant Ed Prieto is the Sheriff of the County of Yolo, and as such, he is  
28 responsible for formulating, executing and administering Yolo County's laws, customs,

1 practices, and policies at issue in this lawsuit; has enforced the challenged laws, customs and  
2 practices against plaintiffs, and is in fact presently enforcing the challenged laws, customs and  
3 practices against plaintiffs. Defendant Prieto is sued in both his individual and official  
4 capacities.

### 5 **JURISDICTION AND VENUE**

6 9. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.  
7 §§ 1331, 1343, 2201, 2202 and 42 U.S.C. § 1983.

8 10. Venue lies in this Court pursuant to 28 U.S.C. § 1391.

### 9 **STATEMENT OF FACTS**

#### 10 *Background*

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

14 12. The Second Amendment is incorporated as against the states through the  
15 Fourteenth Amendment, such that Defendants cannot, under color of law, deprive Plaintiffs of  
16 their right to keep and bear arms.

17 13. The Second Amendment guarantees the right of law-abiding individuals to  
18 publicly carry operational handguns for self-defense.

19 14. States retain the ability to regulate the manner of carrying handguns, prohibit the  
20 carrying of handguns in specific, narrowly defined sensitive places, prohibit the carrying of arms  
21 that are not within the scope of Second Amendment protection, and disqualify specific,  
22 particularly dangerous individuals from carrying handguns.

23 15. States may not completely ban the carrying of handguns for self-defense, deny  
24 individuals the right to carry handguns in non-sensitive places, deprive individuals of the right to  
25 carry handguns in an arbitrary and capricious manner, or impose regulations on the right to carry  
26 handguns that are inconsistent with the Second Amendment.

27 16. Almost all states basically respect the Second Amendment rights to carry a  
28 handgun for self-defense, in that the right to carry a handgun is either unregulated, or regulated to

1 the extent that individuals passing a background check and completing a gun safety course are, as  
2 a matter of course, licensed to carry handguns. In some of these states, a license to carry a  
3 handgun is required only if the handgun is concealed.

4 17. California law generally bans the carrying of concealed firearms. California Penal  
5 Code § 12025. With very few exceptions, California generally prohibits the open, public carrying  
6 of loaded handguns for self-defense in incorporated cities and many unincorporated areas, Penal  
7 Code § 12031.

8 18. California law allows the carrying of loaded handguns in public, for self-defense,  
9 upon issuance of a permit to carry a concealed handgun or, in certain counties, a license to carry  
10 an exposed handgun. Penal Code § 12050(a).

11 19. Applicants seeking a license to carry a handgun must pass a criminal background  
12 check, Penal Code § 12052, and successfully complete a course of training in the proper use of  
13 handguns. Penal Code § 12050(a)(1)(E). Applications for a permit to carry a handgun are made  
14 to the Sheriff of the county in which the applicant either resides or spends a substantial period of  
15 time in owing to the applicant's principal place of employment or business being located in that  
16 county. Alternatively, application may be made to the chief or other head of a municipal police  
17 department of any city or city and county in which the applicant resides.

18 20. In addition to the successful completion of a background check and training, the  
19 issuance of a permit to carry a handgun is left to the discretion of the issuing authority, based  
20 upon that authority's determination of whether the applicant "is of good moral character, [and]  
21 that good cause exists for the issuance" of the permit. Penal Code §§ 12050(a)(1)(A), (B). In  
22 practice, the issuance of permits varies widely among California jurisdictions. Some issuing  
23 authorities almost never issue handgun carry permits, others issue permits only occasionally, and  
24 yet others liberally issue permits to most if not all law-abiding applicants.

25 *Violations of Plaintiffs' Right to Bear Arms*

26 21. Plaintiff Deanna Sykes, a lesbian, is concerned that her sexual orientation might  
27 increase the odds that she would be targeted with criminal violence. The State of California has  
28 recognized that violent crime directed at gay and lesbian people is a problem requiring specific

1 legislative attention. California Penal Code §§ 422.55(a)(6), 422.6 and California Civil Code §  
2 51.7. Plaintiff Sykes is also a competitive shooter and firearm instructor, and thus frequently  
3 transports quantities of firearms and ammunition throughout the Sacramento area. As small-  
4 statured woman traveling alone with guns and ammunition, Plaintiff may be particularly  
5 vulnerable to criminal attack. Even apart from her sexual orientation and firearm-related  
6 activities, Plaintiff Sykes is not immune from the risk of criminal behavior. She seeks to exercise  
7 her Second Amendment right to carry a handgun for personal protection.

8         22.     The Second Amendment right to carry a handgun, and the inherent right of self-  
9 defense and self-preservation it advances, are not considered by Defendant Sacramento County to  
10 constitute “good cause” for the issuance of a handgun carry permit.

11         23.     Defendant Sheriff McGinness is continuing Sacramento County’s “good cause”  
12 policy for denying applications for gun carry permits. On a public website maintained by  
13 Defendant Sacramento County, Defendant McGinness lays out his policy for determining  
14 applications to carry handguns. Defendant McGinness explains that “[t]he mere fear of  
15 victimization, or desire to carry a firearm, shall be insufficient” “good cause” to issue a gun carry  
16 permit. Defendant McGinnis also explains that “[w]hat may be good cause in one area of the  
17 county may not be in another area.”

18         24.     Pursuant to Defendant Sacramento County’s “good cause” policy, Plaintiff Sykes  
19 was denied a permit to carry a handgun by Defendant McGinnis’s predecessor, and it is obvious  
20 that re-submission of the same application to Defendant McGinnis would be a futile act.

21         25.     But for the lack of a permit to carry a handgun, Plaintiff Sykes would carry an  
22 operational handgun in public for self-defense.

23         26.     Plaintiff Andrew Witham emigrated to California from the United Kingdom on  
24 October 31, 1998, and became a naturalized American citizen on January 22, 2003. In the United  
25 Kingdom, Plaintiff Witham served nearly sixteen years as a British Reserve Sworn police officer  
26 (Special Constable), earning the Queen’s Medal for Long Service and Good Conduct.

27         27.     Between 2000 and 2004, Plaintiff Witham served as a non-sworn Community  
28 Service Officer with the Redding Police Department, earning the annual Merit Award in 2001.

1           28.     On December 10, 2006, Plaintiff Witham completed the basic course required to  
2 obtain a handgun carry permit in Shasta County, as well as the course of training required to  
3 obtain a permit to carry an exposed firearm from the California Bureau of Security and  
4 Investigative Services. Since then, Plaintiff Witham has re-qualified four times for the exposed  
5 handgun permit, which he currently possesses, along with a Private Investigator license.

6           29.     Plaintiff Witham's Private Investigator license, in conjunction with his Exposed  
7 Firearm Permit, allows him to carry an exposed, loaded handgun in California but only while he  
8 is engaged in the course and scope of his work as a private investigator.

9           30.     Since January 2, 2008, Plaintiff Witham has been employed as a Public Safety  
10 Officer at McGeorge School of Law, University of the Pacific. The position is that of a  
11 uniformed, non-sworn law enforcement officer on the campus of a private university. Plaintiff  
12 Witham works late night and early morning shifts, requiring him to travel to and from work  
13 through some of Sacramento's most crime-plagued areas..

14           31.     In 2005, while employed as Security and Surveillance Manager for an Indian  
15 casino in Shasta County, Plaintiff Witham reported several tribal members embezzling from the  
16 casino. Owing to this incident, Plaintiff Witham received death threats and various other threats  
17 of violence and intimidation, including the leaving of dead animals in his driveway. The Sheriff  
18 of Shasta County issued Plaintiff Witham a license to carry a handgun in January, 2007, which  
19 was to last for two years.

20           32.     On or about July, 2007, Plaintiff Witham relocated from Shasta to the City of  
21 Fairfield, in Solano County. As required by law, Plaintiff Witham notified the Sheriff of Shasta  
22 County of this move.

23           33.     On or about July, 2008, Plaintiff Witham relocated from Solano County to  
24 Sacramento County, and again notified the Sheriff of Shasta County of this move. Within days,  
25 Plaintiff Witham's permit to carry a handgun was revoked. Plaintiff Witham has reason to  
26 believe this was done at the request of Defendant McGinness, pursuant to the custom, policy, or  
27 practice of Defendant Sacramento County.

28 ///

1           34. Plaintiff Witham contacted Defendant McGinness's office to inquire about the  
2 revocation of his permit to carry a handgun, and was advised that a permit would have to be  
3 issued by Defendant McGinness. Plaintiff Witham was further advised that application for a  
4 permit to carry a handgun could not be made by individuals residing in Sacramento County for  
5 less than 12 months, in the absence of a letter attesting to the applicant's good character from the  
6 issuing authority of the applicant's previous gun permit.

7           35. Plaintiff was advised that as a matter of policy, the Sheriff of Shasta County does  
8 not issue letters of the sort required by Defendant McGinness.

9           36. Although Defendant McGinness does not require that handgun carry permit  
10 applicants complete the required training prior to making their applications, Plaintiff Witham  
11 was certified on December 16, 2008, in 24 hours POST PC 832 Firearms Familiarization at the  
12 Sacramento Regional Public Safety Training Center, an approved course for issuance of a  
13 handgun carry permit in Sacramento County.

14           37. However, owing to the fact that Plaintiff Witham has not been a resident of  
15 Sacramento County for over 12 months, Defendant McGinness refuses to even provide Plaintiff  
16 Witham with the form for applying for a handgun carry permit.

17           38. But for the lack of a permit to carry a handgun, Plaintiff Witham would carry an  
18 operational handgun in public for self-defense.

19           39. In March, 2009, Plaintiff Adam Richards, a law-abiding citizen who wishes to  
20 exercise his right to bear arms, contacted Defendant Prieto's office to inquire about the process  
21 for obtaining a permit to carry a handgun. Defendant Prieto's office advised Plaintiff Richards  
22 that the desire to have a gun available for self-defense would not constitute "good cause" for the  
23 issuance of the permit, and that his application would be a futile act. Defendant Prieto's written  
24 policy regarding the issuance of gun carry permits includes among "examples of invalid reasons  
25 to request a permit" "self-protection and protection of family (without credible threats of  
26 violence)." Plaintiff Richards was further advised that as a matter of policy, his application  
27 would not be considered unless he first applied to the Chief of Police in the City of Davis, where  
28 Plaintiff Richards resides.

1 40. Plaintiff Richards subsequently applied to Davis Police Chief Lanny Black for a  
2 permit to carry a handgun. On April 1, 2009, Police Chief Black denied Plaintiff Richards'  
3 application for a permit to carry a handgun, stating in writing:

4 An evaluation and comparison of our current services to available resources has forced us  
5 to discontinue processing and issuing CCW (Carry Concealed Weapon) licenses. I  
apologize for the inconvenience this action will cause you.

6 Chief Black suggested Plaintiff Richards apply to Defendant Prieto for a permit.

7 41. But for the lack of a permit to carry a handgun, Plaintiff Richards would carry an  
8 operational handgun in public for self-defense.

9 **FIRST CLAIM FOR RELIEF**  
10 **U.S. CONST., AMEND. II, 42 U.S.C. § 1983**  
**AGAINST ALL DEFENDANTS**

11 42. Paragraphs 1 through 41 are incorporated as though fully stated herein.

12 43. Plaintiffs are law abiding individuals, competent in the safe handling and  
13 operation of handguns. Accordingly, there exists no reason to deny Plaintiffs permits to carry a  
14 handgun under California Penal Code § 12050.

15 44. By maintaining and enforcing a set of customs, practices, and policies depriving  
16 Plaintiffs of permits to carry handguns, including but not limited to requiring subjective "good  
17 cause" beyond the interest in self-defense and conditioning the consideration of a handgun carry  
18 permit application on a durational residency requirement, Defendants are propagating customs,  
19 policies, and practices that violate the Second and Fourteenth Amendments to the United States  
20 Constitution, damaging Plaintiffs in violation of 42 U.S.C. § 1983. Plaintiffs are therefore  
21 entitled to permanent injunctive relief against such customs, policies, and practices.

22 **SECOND CLAIM FOR RELIEF**  
23 **U.S. CONST., AMEND. XIV – EQUAL PROTECTION, 42 U.S.C. § 1983**  
**AGAINST ALL DEFENDANTS**

24 42. Paragraphs 1 through 41 are incorporated as though fully stated herein.

25 43. By maintaining and enforcing a set of customs, practices, and policies arbitrarily  
26 denying Plaintiffs permits to carry handguns based on a subjective determination of their "good  
27 cause" for the permit and their length of residence in the county, Defendants are propagating  
28 customs, policies, and practices that violate Plaintiffs' rights to equal protection of the laws under



1 the Fourteenth Amendment to the United States Constitution, damaging Plaintiffs in violation of  
2 42 U.S.C. § 1983. Plaintiffs are therefore entitled to permanent injunctive relief against such  
3 customs, policies, and practices.

4 **THIRD CLAIM FOR RELIEF**  
5 **U.S. CONST., AMEND. XIV – DUE PROCESS, 42 U.S.C. § 1983**  
6 **AGAINST DEFENDANTS MCGINNESS AND SACRAMENTO COUNTY**

7 44. Paragraphs 1 through 43 are incorporated as though fully stated herein.

8 45. Plaintiff Witham had a cognizable property interest in his permit to carry a  
9 handgun, the revocation of which was caused by Defendants McGinness and Sacramento County  
10 without sufficient due process. Defendants are propagating customs, policies, and practices that  
11 violate Plaintiff Witham’s right to due process under the Fourteenth Amendment to the United  
12 States Constitution, damaging Plaintiff in violation of 42 U.S.C. § 1983. Plaintiff is therefore  
13 entitled to permanent injunctive relief against such customs, policies, and practices.

14 **FOURTH CLAIM FOR RELIEF**  
15 **U.S. CONST., AMEND. XIV – RIGHT TO TRAVEL, 42 U.S.C. § 1983**  
16 **AGAINST DEFENDANTS MCGINNESS AND SACRAMENTO COUNTY**

17 46. Paragraphs 1 through 45 are incorporated as though fully stated herein.

18 47. The Fourteenth Amendment guarantees individuals the right to interstate and  
19 intrastate travel.

20 48. By demanding that individuals reside in Sacramento County for a year before  
21 allowing them to apply for a permit to carry a handgun, Defendants McGinness and Sacramento  
22 County are propagating customs, policies, and practices that violate Plaintiffs’ right to travel  
23 under the Fourteenth Amendment to the United States Constitution, damaging Plaintiffs in  
24 violation of 42 U.S.C. § 1983. Plaintiffs are therefore entitled to permanent injunctive relief  
25 against such customs, policies, and practices.

26 **PRAYER FOR RELIEF**

27 WHEREFORE, Plaintiffs request that judgment be entered in their favor and against  
28 Defendants as follows:

1. An order permanently enjoining Defendants, their officers, agents, servants,  
employees, and all persons in active concert or participation with them who receive actual notice

1 of the injunction, from enforcing the “good moral character” and “good cause” requirements of  
2 California Penal Code § 12050 against handgun carry permit applicants who seek the permit for  
3 self-defense and are otherwise qualified to obtain a handgun carry permit under that section;

4 2. An order permanently enjoining Defendants, their officers, agents, servants,  
5 employees, and all persons in active concert or participation with them who receive actual notice  
6 of the injunction, from requiring any duration of local residence prior to accepting an application  
7 under California Penal Code § 12050;

8 3. Declaratory relief that the “good moral character” and “good cause” provisions of  
9 California Penal Code § 12050 are unconstitutional either on their face and/or as applied to bar  
10 applicants who are otherwise legally qualified to possess firearms and who assert self-defense as  
11 their “good cause” for seeking a handgun carry permit;

12 4. Costs of suit, including attorney fees and costs pursuant to 42 U.S.C. § 1988;

13 5. Any other further relief as the Court deems just and appropriate.

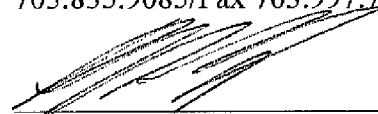
14 Dated: May 5, 2009

Respectfully submitted,

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19 By:

  
Alan Gura

Attorneys for Plaintiffs

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# 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

Deanna Sykes, Andrew Witham, Adam Richards, Second Amendment Foundtion, Inc., The Calguns Foundation, Inc.

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

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

Alan Gura, Gura & Possesky, PLLC, 101 N. Columbus St., Suite 405, Alexandria VA 22314 703.835.9085

### DEFENDANTS

John McGinness, County of Sacramento, Ed Prieto, County of Yolo

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)

### 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	<b>PERSONAL INJURY</b> <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	<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 <b>PERSONAL PROPERTY</b> <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"/> 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	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395f) <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)) <b>FEDERAL TAX SUITS</b> <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 checked="" type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <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	<b>CIVIL RIGHTS</b> <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 type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <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	<b>LABOR</b> <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 <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions		

### 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):

42 USC § 1983

Brief description of cause:

Challenge to arbitrary good cause requirements for gun permit under 2nd and 14th Amendments

### 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 England, Mendez

DOCKET NUMBER 03-2682, 08-2064

DATE

05/05/2009

SIGNATURE OF ATTORNEY OF RECORD

### FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_