FILED

AUG 04 2016

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARK AARON HAYNIE; et al., Plaintiffs-Appellants, v. KAMALA D. HARRIS, Attorney General, Attorney General of California (in her official capacity) and CALIFORNIA DEPARTMENT OF JUSTICE, Defendants-Appellees.	No. 14-15531 D.C. No. 3:10-cv-01255-SI ORDER[*]

Appeal from the United States District Court
for the Northern District of California
Susan Illston, District Judge, Presiding

Argued and Submitted July 20, 2016
San Francisco, California

Before: GRABER and TALLMAN, Circuit Judges, and RAKOFF,[**] District Judge.

[*] This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

[**] The Honorable Jed S. Rakoff, Senior United States District Judge for the Southern District of New York, sitting by designation.

Mark Haynie alleges that he was wrongfully arrested after California peace officers mistakenly believed his firearm was an illegal "assault weapon" under the State's Assault Weapons Control Act (AWCA), Cal. Penal Code § 30500 *et seq*. Haynie's firearm was functionally identical to the "popular and common Colt AR-15 rifle," except that Haynie's rifle contained a "bullet button" designed to temporarily attach a magazine to a rifle. Haynie seeks an order compelling the California Department of Justice to clarify the legality of the "detachable magazine feature and bullet-button technology."

Before the most recent amendments to § 30515 of the AWCA, the statute defined an "assault weapon" as a "semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine" and that contains any one of several specified attributes, such as a pistol grip or a flash suppressor. Cal. Penal Code § 30515. In its supplemental letter brief filed on July 14, 2016, the State conceded that bullet button firearms, which have a magazine that can be removed from the firearm only with the use of a bullet, did not fall within the AWCA's former definition of "assault weapon" found in § 30515.

However, on July 1, 2016, Governor Jerry Brown signed into law Assembly Bill 1135 and Senate Bill 880. *See* AB 1135 & SB 880, §§ 1 (amending Cal. Penal Code § 30515). These bills changed the law by *including* weapons equipped with

a bullet button within the statutory definition of an assault weapon. Rather than defining an assault weapon as a firearm with the "capacity to accept a detachable magazine" as before, the amended legislation now defines an assault weapon as one that "does not have a fixed magazine." *Id.* The amendment further defines a "fixed magazine" as "an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action." *Id.*

These recent legislative amendments clarify the alleged ambiguities surrounding the bullet button technology under § 30515 of the AWCA: now, weapons equipped with a bullet button will be deemed not to have a "fixed magazine" as defined in the amendments and will be considered assault weapons if they also have one of the specified attributes listed in § 30515. Accordingly, we dismiss Haynie's claims as moot because the amended legislation has removed the need for clarification on the legality of the bullet button technology. *See Stratman v. Leisnoi*, *Inc.*, 545 F.3d 1161, 1167 (9th Cir. 2008) ("We have repeatedly recognized that the enactment of a new law that resolves the parties' dispute during the pendency of an appeal renders the case moot."); *Consejo de Desarrollo Economico de Mexicali, A.C. v. United States*, 482 F.3d 1157, 1168 (9th Cir. 2007) ("If legislation passing constitutional muster is enacted while a case is pending on

appeal that makes it impossible for the court to grant any effectual relief, the appeal must be dismissed as moot.").

Each party shall bear its own costs.

DISMISSED.