

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 12-5305**September Term, 2014****1:09-cv-00587-RLW****Filed On:** December 22, 2014

Stephen Dearth and Second Amendment
Foundation, Inc.,

Appellants

v.

Eric H. Holder, Jr.,

Appellee

BEFORE: Henderson and Griffith, Circuit Judges; Randolph, Senior Circuit
Judge

ORDER

On the court's own motion, it is **ORDERED** that the parties file supplemental briefs addressing the following issues:

- (1) Whether appellant Dearth is alleging that 18 U.S.C. § 922(a)(9) is facially unconstitutional, unconstitutional as applied to him, or both.
- (2) If the challenge is facial, how this court should apply the standard set forth in *United States v. Salerno*, 481 U.S. 739, 745 (1987) to that challenge.
- (3) Whether the Second Amendment Foundation has standing to challenge either 18 U.S.C. § 922(a)(9) or § 922(b)(3) as applied to its members under the standard set forth in *Hunt v. Washington State Apple Advertising Comm'n*, 432 U.S. 333 (1977).
- (4) Whether any party to this case made use of the option provided in 18 U.S.C. § 925(d)(4) and 27 C.F.R. § 478.115(a), allowing a resident citizen to buy a firearm, expatriate, and then return to the United States with the previously purchased firearm.
- (5) Whether, under United States laws and regulations, non-resident citizens may bring into the United States firearms purchased abroad and, if so, for what purpose.

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The supplemental briefs may not exceed 30 pages and are due by 4:00 p.m. on Friday, January 30, 2015. The supplemental briefs are to address only the above-designated issues and not any issues previously briefed in this court. In addition to electronic filing, the parties are directed to deliver paper copies to the court by the time and date due. It is

FURTHER ORDERED that this case be set for re-argument on March 5, 2015 at 9:30 a.m. The parties are to be prepared to address at oral argument all issues presented previously to the court as well as the issues in the supplemental briefs.

A separate order will issue regarding allocation of oral argument time.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Michael C. McGrail
Deputy Clerk