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DEPARTMENT OF JUSTICE



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July 13, 2016

Via CM/ECF

Molly Dwyer
Clerk of the Court
U.S. Court of Appeals, Ninth Circuit
95 Seventh St.
San Francisco, California 94103-1526

Re: *Silvester v. Harris*, Case No. 14-16840
Before Judges Sidney R. Thomas, Mary M. Schroeder, and Jacqueline H. Nguyen
Argued and submitted February 9, 2016

Dear Ms. Dwyer:

Under Federal Rules of Appellate Procedure (“FRAP”) 28(j), Appellant hereby notifies the Court of pertinent new legal authority, the newly amended California Penal Code section 27880 (“Section 27880”), concerning the lawful loaning of firearms in the State of California.

Before being amended on July 1, 2016, Section 27880 permitted a loan of up to 30 days of a firearm “between persons who are personally known to each other,” provided that the recipient could lawfully possess the firearm, without the recipient first having to go through a waiting period. Appellant cited that version of Section 27880 at page 44 of the opening brief herein and also at page 6 of the reply brief herein, in explaining that a would-be firearm purchaser waiting the statutory 10-day period to obtain his or her newly purchased firearm(s) has lawful ways of obtaining another firearm in the interim.

As amended (and effective January 1, 2017), Section 27880 specifies seven categories of family members from whom a person permitted to possess a firearm will be able lawfully to borrow a firearm for a short term, without first having to go through a waiting period. The amendment thereby might sometimes narrow the legal options—but does not eliminate the ability—of that person to borrow a firearm without having to go through a waiting period.

While Appellant believes that it is appropriate to notify the Court of the amendment of Section 27880, because that statute was cited in the briefing in this case, Appellant does not believe that this legal development is substantively significant for this case, because it remains the case that a

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would-be firearm purchaser waiting the statutory 10 days to obtain his or her newly purchased firearm(s) has lawful ways of obtaining another firearm in the interim.

Sincerely,



JONATHAN M. EISENBERG
Deputy Attorney General

For KAMALA D. HARRIS
Attorney General

JME:je

9th Circuit Case Number(s) 14-16840

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I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

John R. Lott
Crime Prevention Research Center
212 Lafayette Ave.
Swarthmore, PA 19081

Signature (use "s/" format)

s/Jonathan M. Eisenberg