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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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WILLIAM WIESE, an individual;
JEERMIAH MORRIS, an individual;
LANCE COWLEY, an individual;
SHERMAN MACASTON, an individual;
ADAM RICHARDS, in his capacity
as Trustee of the Magazine Ban
Lawsuit Trust; CLIFFORD FLORES,
individually and as trustee of
the Flores Family Trust; L.Q.
DANG, an individual; FRANK
FEDEREAU, an individual; ALAN
NORMANDY, an individual; TODD
NIELSEN, an individual; THE
CALGUNS FOUNDATION; FIREARMS
POLICY COALITION; FIREARMS
POLICY FOUNDATION; and SECOND
AMENDMENT FOUNDATION;

Plaintiffs,

v.

XAVIER BECERRA, in his official
capacity as Attorney General of
California; and MARTHA SUPERNOR,
in her official capacity as
Acting Chief of the Department
of Justice Bureau of Firearms;

Defendants.

Civ. No. 2:17-903 WBS KJN

ORDER

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2 The court notes that the Attorney General has filed a
3 notice of appeal from the preliminary injunction issued by the
4 United States District Court for the Southern District of
5 California in Duncan v. Becerra, Civ. No. 3:17-1017 BEN JLB.
6 While the arguments raised by the plaintiffs in that case and the
7 instant case are not identical, the plaintiffs in both cases make
8 substantially similar arguments regarding whether California's
9 large capacity ban violates the Second Amendment and Takings
10 Clause of the United States Constitution. Thus, a decision by
11 the Ninth Circuit regarding the Duncan case may be dispositive as
12 to key issues in this case.

13 In light of this development, within fourteen days from
14 the date of this Order the parties in this case shall submit a
15 Joint Status Report setting forth the their respective positions
16 on whether this court should stay proceedings in this case
17 pending the appeal in Duncan v. Becerra.¹

18 IT IS SO ORDERED.

19 Dated: July 28, 2017

20 

21 WILLIAM B. SHUBB
22 UNITED STATES DISTRICT JUDGE

23 ¹ "A trial court may, with propriety, find it is
24 efficient for its own docket and the fairest course for the
25 parties to enter a stay of an action before it, pending
26 resolution of independent proceedings which bear upon the case."
27 Leyva v. Certified Grocers of Cal., Ltd., 593 F.2d 857, 863 (9th
28 Cir. 1979). See also Alvarez v. T-Mobile USA, Inc., Civ. No.
2:10-2374 WBS GGH, 2010 WL 5092971, *1 (E.D. Cal. Dec. 7, 2010)
(a district court has the inherent power to manage its own cases
based on "the economy of time and effort for itself, for counsel,
and for litigants") (quoting Landis v. N. Am. Co., 299 U.S. 248,
254 (1936)).