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IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 07 – 15763
DC# CV 99-4389-MJJ

RUSSELL ALLEN NORDYKE, *et al.*,
Appellants

v.

MARY V. KING, *et al.*,
Appellees

**MOTION FOR LEAVE TO FILE AMICUS BRIEF ON
BEHALF OF THE NATIONAL RIFLE ASSOCIATION, INC., AND
THE CALIFORNIA RIFLE AND PISTOL ASSOCIATION
IN OPPOSITION TO EN BANC REVIEW**

Appeal from the U. S. District Court
for the Northern District of California
D.C. No. CV 99-04389-MJJ

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The National Rifle Association and California Rifle and Pistol Association respectfully move this Court, pursuant to Federal Rule of Appellate Procedure 29-2, for leave to file the concurrently submitted brief, as amici curiae in support of appellants and in opposition to en banc review.

Appellant has consented to the filing of amicus curiae briefs.

INTERESTS OF THE PARTIES AMICUS

Although these particular amici were not parties below, nor were declarations from them entered into the record, all the legal issues and related general facts herein discussed were raised by appellants.

Amicus NATIONAL RIFLE ASSOCIATION

Amicus NATIONAL RIFLE ASSOCIATION (hereinafter NRA) is a non-profit membership organization founded in 1871 and incorporated under the laws of New York, with headquarters in Fairfax, Virginia and an office in Sacramento, California. The NRA represents over 300,000 individual members and 850 affiliated clubs and associations in California.

Among their other activities, NRA works to preserve and protect constitutional and statutory rights of gun ownership, including the right to self-defense and the right to keep and bear arms. In this amicus brief NRA represents the interests of its respective members.

Amicus CALIFORNIA RIFLE AND PISTOL ASSOCIATION

The California Rifle and Pistol Association (hereinafter CRPA) is dedicated to representing the interests of all sportsmen, sportswomen, and firearm owners in California. The CRPA sponsors legislation on behalf of its almost 70,000 members to guarantee defensive firearms ownership and use and wildlife preservation and management. Emphasis is also placed on conducting outreach programs on Second Amendment and self-defense rights and providing educational material to the public regarding the safe and proper use of firearms. The CRPA actively promotes the shooting sports, providing education, training, and organized competition in adult and junior venues. It also sponsors local and state adult and junior shooting teams which compete in national competitions each year.

REASONS FOR FILING

By this Court's Order, filed May 18, 2009, the parties were notified that a judge of this Court called for a vote to determine whether this case will be reheard en banc, and instructed that briefs be filed within 21 days on whether this case should be reheard.

Amici curiae have participated in briefing to date, are familiar with the briefs filed to date by the parties to this proceeding, and are familiar with the

issues before this Court. The accompanying amicus curiae brief addresses whether this case should be reheard en banc and, if so, the Second Amendment issues that warrant revisiting by the en banc panel. The amicus curiae believe a rehearing en banc will directly effect their interests and requires further briefing.

Accordingly, the amicus curiae respectfully move this Court to grant leave to file the brief of the amicus curiae submitted concurrently with this motion.

Date: June 8, 2009

Respectfully submitted,
National Rifle Association of America, Inc.,
& California Rifle & Pistol Association
Amici Curiae

A handwritten signature in black ink, appearing to read 'C. D. Michel', written over a horizontal line.

By Counsel for Amici, C. D. Michel

CERTIFICATE OF SERVICE

I hereby certify that I caused two copies of the foregoing to be mailed first class, postage prepaid on this 8th day of June, 2009, to:

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