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May 7, 2018

Molly Dwyer  
Clerk of the Court  
Ninth Circuit Court of Appeals  
95 7th Street  
San Francisco, CA 94103

RE: *Virginia Duncan, et al. v. Xavier Becerra*  
United States Court of Appeals for the Ninth Circuit, Case No. 17-56081  
(calendared for oral argument on May 14, 2018, 9:00 a.m., Courtroom 3)

Dear Ms. Dwyer:

Defendant-Appellant Xavier Becerra respectfully submits this citation of supplemental authority pursuant to Federal Rule of Appellate Procedure 28(j) and Circuit Rule 28-6. Following the close of briefing in this matter, the United States District Court for the District of Massachusetts granted the government's motion for summary judgment in a case challenging Massachusetts's ban on the transfer or possession of assault weapons and large-capacity magazines under the Second Amendment. *Worman v. Healey*, \_\_ F. Supp. 3d \_\_, No. 17-10107-WGY, 2018 WL 1663445 (D. Mass. Apr. 5, 2018). The district court held that large-capacity magazines fall outside the scope of the Second Amendment because they are "most useful in military service," and thus the ban on large-capacity magazines was constitutional at the first step of the court's Second Amendment analysis. *Id.* at \*10 (citing *Kolbe v. Hogan*, 849 F.3d 114, 136 (4th Cir. 2017) (en banc), *cert. denied*, 138 S. Ct. 469 (2017)). This new authority is yet another case upholding the constitutionality of large-capacity magazine restrictions under the Second Amendment. (See Appellant's Opening Brief at 24-25, 27; Appellant's Reply Brief at 5 n.1.)

Sincerely,

s/ John D. Echeverria  
JOHN D. ECHEVERRIA  
Deputy Attorney General

For XAVIER BECERRA  
Attorney General

## CERTIFICATE OF SERVICE

Case Name: **Duncan, Virginia et al v. Xavier Becerra** Case No.: **17-56081**

I hereby certify that on May 7, 2018, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

### CITATION OF SUPPLEMENTAL AUTHORITY

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

I further certify that some of the participants in the case are not registered CM/ECF users. On May 7, 2018, I have caused to be mailed in the Office of the Attorney General's internal mail system, the foregoing document(s) by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within three (3) calendar days to the following non-CM/ECF participants:

David H. Thompson  
Cooper & Kirk, PLLC  
1523 New Hampshire Avenue, N.W.  
Washington, DC 20036

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 7, 2018, at Los Angeles, California.

\_\_\_\_\_  
Colby Luong  
Declarant

\_\_\_\_\_  
s/ Colby Luong  
Signature