

No. 19-55376

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**In the  
United States Court of Appeals  
for the Ninth Circuit**

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VIRGINIA DUNCAN, et al.,

*Plaintiffs–Appellees,*

v.

XAVIER BECERRA, in his official capacity as

Attorney General of the State of California,

*Defendant–Appellant.*

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Appeal from the United States District Court  
for the Southern District of California  
The Honorable Roger T. Benitez  
Case No. 3:17-cv-1017-BEN

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**UNOPPOSED MOTION FOR LEAVE TO FILE BRIEF OF *AMICI  
CURIAE* FIREARMS POLICY COALITION, FIREARMS POLICY  
FOUNDATION, AND CALIFORNIA GUN RIGHTS FOUNDATION  
ON REHEARING EN BANC IN SUPPORT OF PLAINTIFFS-  
APPELLEES**

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Pursuant to Fed. R. App. P. 29(b)(3) and Ninth Cir. R. 29-2, Firearms Policy Coalition, Firearms Policy Foundation, and California Gun Rights Foundation respectfully request leave to submit a brief as *amici curiae* in support of Appellees.

This motion is unopposed. Appellees have consented to the filing of the proposed brief, while Appellant does not oppose this request to file the brief.

*(A) The movants' interests.*

Firearms Policy Coalition (FPC) is a 501(c)(4) nonprofit membership organization incorporated under the laws of Delaware, with its principal place of business in Sacramento, California, and with members and supporters in California and throughout the country. FPC's primary mission is to protect and defend the Constitution of the United States and the deeply rooted People's rights, privileges, and immunities. FPC serves its members and the public through direct legislative advocacy, grassroots advocacy, legal efforts, research, education, operation of a hotline, and other programs.

Firearms Policy Foundation is a nonprofit membership organization that serves its members and the public through charitable programs

including research, education, and legal efforts, with a focus on the Second Amendment and other constitutional rights.

California Gun Rights Foundation is a nonprofit organization dedicated to defending the constitutional rights of California gun owners and educating the public about federal, state, and local laws.

*Amici's* interests are substantially affected by the outcome of this case because all *amici* have an interest in ensuring that the original understanding of the Second Amendment is identified and upheld. Additionally, the constitutional rights of *amici* organizations' members who reside within this Court's jurisdiction will be directly affected by the holding in this case.

*(B) Why the amicus brief is desirable and why the matters asserted are relevant to the disposition of the case.*

*Amici* respectfully submit that they offer unique perspectives and knowledge that will assist the Court beyond the insight the parties have provided. As organizations dedicated to protecting the right to keep and bear arms, *amici* bring expertise on the history of firearms as well as the history of laws regulating firearms that have not been presented by the parties.

All *amici* frequently litigate and file *amicus* briefs in Second Amendment cases. Additionally, *amici* have extensively researched the history of firearms rights and regulations. *Amici* thus have a special understanding of the information required for this Court to define the right to bear arms consistent with the founding-era understanding of the right.

Specifically, in this brief, *amici* articulate the history of the invention and proliferation of firearms capable of holding and discharging multiple shots. These firearms predated the Second Amendment by centuries and have existed for more than half a millennium. In addition, firearms capable of firing more than ten shots were known and desired by the Founders. As American history moved from the 18th and into the 19th century, firearms capable of holding more than ten rounds increased in popularity and cultural significance. The invention of semiautomatic firearms predated the turn of the 20th century. Additionally, *amici* prove that magazine bans have been a rarity throughout American history.

This brief demonstrates—unlike any other—why California’s magazine ban is unconstitutional and contradicts the text, history, and tradition of the Second Amendment.

Wherefore, *amici* respectfully request that the Court grant leave to file their *amici curiae* brief in support of Appellees.

Respectfully submitted,

/s/ Joseph G.S. Greenlee  
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### **CERTIFICATE OF SERVICE**

I hereby certify that on April 2, 2021, I served the foregoing motion via the CM/ECF system for the United States Court of Appeals for the Ninth Circuit, which will distribute the motion to all attorneys of record in this case. No privacy redactions were necessary.

I further certify that I am admitted to practice in the Ninth Circuit Court of Appeals, and that I am a member in good standing.

Dated this 2nd day of April 2021.

*/s/ Joseph G.S. Greenlee*  
*Counsel for Amici Curiae*