

May 7, 2021

VIA ECF

Molly C. Dwyer, Clerk of Court
United States Court of Appeals for the Ninth Circuit
James R. Browning Courthouse
95 7th Street
San Francisco, CA 94103

Re: *Duncan v. Becerra*, No. 19-55376

Dear Ms. Dwyer:

The parties write to inform the Court that the U.S. Supreme Court recently granted certiorari in *New York State Rifle & Pistol Ass’n v. Corlett*, No. 20-843 (U.S.) (cert. granted Apr. 26, 2021), a case raising a Second Amendment challenge to New York’s laws regulating the carry of firearms outside the home. The last time the Supreme Court granted certiorari in a case presenting a Second Amendment claim, *see New York State Rifle & Pistol Ass’n v. City of New York*, No. 18-280 (U.S.) (cert. granted Jan. 22, 2019), this Court opted to hold a pending *en banc* case involving the Second Amendment in abeyance pending the Supreme Court’s decision. *See* 2/14/2019 Order, *Young v. Hawaii*, No. 12-17808 (9th Cir.) (*sua sponte* staying *en banc* proceedings “pending the issuance of an opinion by the United States Supreme Court in *New York State Rifle & Pistol Association, Inc. v. City of New York*, No. 18-280”).

In light of that recent past practice and the possibility that the Supreme Court’s decision in the *Corlett* case might bear on the issues in this case, the Court may wish to take the same step here and defer additional briefing until the Supreme Court resolves *Corlett*. The parties wanted to ensure that the Court was aware of the developments in the Supreme Court in advance of the impending May 14, 2021 deadline for the filing of initial supplemental briefs and the June 1, 2021 deadline for the filing of supplemental reply briefs in this case.

Sincerely,

s/Samuel P. Siegel
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