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**DEPARTMENT OF JUSTICE**

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June 7, 2022

Via Electronic Case Filing

Molly C. Dwyer  
Clerk of the Court  
United States Court of Appeals for the Ninth Circuit  
P.O. Box 193939  
San Francisco, CA 94119-3939

RE: *Steven Rupp, et al. v. Rob Bonta*, Case No. 19-56004

Dear Ms. Dwyer:

The Attorney General submits this response to Plaintiffs' Rule 28(j) letter concerning the decision in *Jones v. Bonta*, No. 20-56174, \_\_ F.4th \_\_, 2022 WL 1485187 (9th Cir. May 11, 2022). The divided panel held, *inter alia*, that 18–20-year-olds have Second Amendment rights based on founding-era laws setting the minimum age for militia service at 18, *id.* at \*13, and that California's restrictions on the sale or transfer of semiautomatic centerfire rifles to 18–20-year-olds are likely unconstitutional under either strict or intermediate scrutiny, *id.* at \*17. The *Jones* opinion does not support Plaintiffs' Second Amendment challenge to California's Assault Weapons Control Act ("AWCA").

First, the panel majority observed that intermediate scrutiny has been applied to laws that regulate "auxiliary features" of firearms, such as large-capacity magazines. *Jones*, 2022 WL 1485187, at \*14 (citing *Fyock v. Sunnyvale*, 779 F.3d 991, 998–99 (9th Cir. 2015); *Duncan v. Bonta*, 19 F.4th 1087, 1104 (9th Cir. 2021) (en banc)). Here, the Attorney General has shown that the AWCA restricts certain enumerated features and configurations of certain firearms, and not any underlying category of firearm. Answering Br. at 25–28, 41–47. As such, the AWCA does not impose a severe burden on the core Second Amendment right to justify application of strict scrutiny. *Id.* at 43.

Second, under intermediate scrutiny, this case does not present any of the equal-protection concerns discussed by the panel. *See Jones*, 2022 WL 1485187, at \*19.

Finally, the Court granted a joint motion to extend the deadline to file a petition for panel rehearing or rehearing en banc for 61 days, up to and including July 25, 2022. *See Jones v. Bonta*, No. 20-56174, Dkt. 89.

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Sincerely,

*s/ John D. Echeverria*

JOHN D. ECHEVERRIA  
Deputy Attorney General

For ROB BONTA  
Attorney General

**CERTIFICATE OF SERVICE**

Case Name: *Steven Rupp, et al. v. Rob Bonta*

Case No. **19-56004**

I hereby certify that on June 7, 2022, I electronically filed the following document with the Clerk of the Court by using the CM/ECF system:

**RESPONSE TO PLAINTIFFS' CITATION OF SUPPLEMENTAL AUTHORITY**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct.

Executed on June 7, 2022, at San Francisco, California.

Vanessa Jordan

Declarant

s/ Vanessa Jordan

Signature