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VIA ECF

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

Re: *Michelle Flanagan, et al. v. Rob Bonta, et al.*, Case No. 18-55717

Dear Ms. Dwyer:

The Attorney General submits this response to plaintiffs' Rule 28(j) letter concerning *New York State Rifle & Pistol Ass'n v. Bruen*, No. 20-843 (U.S. June 23, 2022). In *Bruen* the Supreme Court held unconstitutional New York's requirement that individuals show "proper cause" to obtain a license to carry firearms in public. Slip op. at 63. The Court also made clear that California's "analogue[]"—which requires a showing of "good cause" to secure a license to carry firearms in public, Cal. Penal Code § 26150(a)(2)—is unconstitutional. *Id.* at 6. The day after *Bruen* was decided, the Attorney General issued a legal alert recognizing that California's good cause requirement is no longer constitutional in light of *Bruen*. See Office of the Attorney General, *Legal Alert: U.S. Supreme Court Decision in New York State Rifle & Pistol Association v. Bruen*, No. 20-843 (June 24, 2022), <https://oag.ca.gov/system/files/media/legal-alert-oag-2022-02.pdf>. The California Legislature is also currently considering legislation that would repeal this provision. See S.B. 918, 2021-2022 Reg. Sess. (Cal. 2022), https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB918.

Plaintiffs ask this Court to remand this matter so that the district court can enter judgment in their favor. But that is not the appropriate course here. Instead, this Court should dismiss this appeal as moot and vacate the district court's judgment. Plaintiffs have received the "precise relief that [they] requested in the prayer for relief in their complaint." *N.Y. State Rifle & Pistol Ass'n, Inc. v. City of New York*, 140 S. Ct. 1525, 1526 (2020) (per curiam); see 10-ER-2213-14 (complaint, seeking order enjoining defendants from enforcing "section 26150(a)(2)'s 'good cause' criterion"). And there is no reasonable expectation that defendants will require them to show good cause to secure a license to carry in the future: California has "unequivocally renounced" any intent to enforce the good cause requirement, and the Legislature is moving swiftly to repeal it. *Brach v. Newsom*, ___ F.4th ___, 2022 WL 2145391, at *6 (9th Cir. June 15,

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2022) (en banc) (brackets omitted); *see also Lombardo v. Warner*, 481 F.3d 1135, 1137 (9th Cir. 2007) (appeal should be dismissed when intervening decision renders case moot).

Sincerely,

s/ Samuel P. Siegel

SAMUEL P. SIEGEL
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