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11 TODD NIELSEN, THE CALGUNS FOUNDATION,
FIREARMS POLICY COALITION,
12 FIREARMS POLICY FOUNDATION,
and SECOND AMENDMENT FOUNDATION

13
14 UNITED STATES DISTRICT COURT

15 FOR THE EASTERN DISTRICT OF CALIFORNIA

16
17 WILLIAM WIESE, et al.,

18 Plaintiffs,

19 vs.

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21 XAVIER BECERRA, in his official capacity as
Attorney General of California, et al.,

22 Defendants.
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Case No. 2:17-cv-00903-WBS-KJN

DECLARATION OF PLAINTIFF JEREMIAH MORRIS IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND ISSUANCE OF PRELIMINARY INJUNCTION

[FRCP 65; E.D. L.R. 231]

Date: TBD
Time: TBD
Courtroom 5
Judge: Hon. William B. Shubb

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DECLARATION OF JEREMIAH MORRIS

I, Jeremiah Morris, declare as follows:

1. I am an adult resident of the County of Kern, California, and I am a named plaintiff in this matter. I have personal knowledge of the facts stated in this declaration, and if called as a witness, could competently testify thereto.

2. This declaration is executed in support of plaintiffs' motion for the issuance of a temporary restraining order, and issuance of a preliminary injunction, made pursuant to FRCP 65, whereby we are seeking an injunction prohibiting the temporary/permanent enforcement of the prohibition on the *possession* of large-capacity magazines, set forth in Pen. Code § 32310, subdiv. (c) and (d) as enacted in 2016.

3. I was born and raised in California, and have been a lifelong resident of this state. I am a law-abiding individual, and I am not prohibited from owning firearms.

4. Prior to 2000, I acquired, lawfully, a large-capacity magazine for an AR-15 type rifle, capable of holding over ten .223 rounds.

5. I have brought this action on my own behalf, and in a representative capacity on behalf of the class of law-abiding California citizens who have lawfully possessed large-capacity magazines (as that term is defined by statute), since before 2000.

6. I do not wish to remove or sell this magazine in my possession, as it is literally irreplaceable, given the prohibition on the further purchase, acquisition or manufacture of such items under California law. I am unwilling to destroy or surrender this pre-ban large capacity magazine in my possession. Since it is irreplaceable, under California law, I believe that this large-capacity magazine in my possession has substantial value.

7. I am not a current or retired peace officer, nor am I a federal firearms licensee (FFL), and therefore, as an ordinary citizen, I do not qualify for the exceptions to the prohibition on the possession of large capacity magazines set forth in Pen. Code sections 32406 or 32410.


8. Because of these facts and circumstances, as of July 1, unless the enforcement of Pen. Code § 32310(c) is enjoined, I will suffer a permanent physical deprivation of personal

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1 property, which happens to be an inherent, operating part of a firearm, the ownership of which is
2 or would be protected by the Constitution. I will therefore and for the reasons stated here suffer
3 irreparable injury unless the law is enjoined.

4 9. As of July 1, 2017, if Penal Code § 32310(c) remains in effect and is enforced, I
5 will comply with the law, but in so doing, I will be deprived of all beneficial use of the property.
6 For these reasons stated in this declaration, I am respectfully asking the court to enjoin the
7 enforcement of the ban on the prohibition of these “pre-ban” large-capacity magazines set forth
8 in Pen. Code § 32310(c) and (d) as amended.

9 I declare under penalty of perjury that the foregoing is true and correct. Executed on
10 June 12 2017.

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13 _____
14 Jeremiah Morris

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