



1 2132 (2022). In *Bruen*, the Supreme Court “decline[d] to adopt [the] two-part approach” the  
2 federal courts of appeals, including the Ninth Circuit, had been using. *Id.* at 2126. The Court  
3 adopted a new test based on “historical tradition.” *Id.* Under this new test, district courts must  
4 “assess whether modern firearms regulations are consistent with the Second Amendment’s text  
5 and historical understanding.” *See id.* at 2131. The Court did not “provide an exhaustive survey  
6 of the features that render regulations relevantly similar under the Second Amendment,” but it  
7 offered some guidance for the “analogical” exercise it outlined for the first time in that case. *Id.*  
8 at 2132–34.

9 The court declines to confine the parties to the factual record and expert opinions they  
10 assembled while working with a different complaint and a different legal test. If plaintiffs believe  
11 all relevant facts are undisputed and they are entitled to judgment as a matter of law, the  
12 scheduling order does not bar them from seeking summary judgment before the September 2023  
13 hearing deadline. If the state pursues “unreasonably cumulative or duplicative” discovery,  
14 plaintiffs may seek an order from the assigned Magistrate Judge under Federal Rule of Civil  
15 Procedure 26(b)(2)(C)(i); *see also* E.D. Cal. L.R. 302(c)(1) (referring discovery motions to  
16 magistrate judges). And under Rule 65, plaintiffs may move for a preliminary injunction to avoid  
17 irreparable harms while the case is pending, as they have already done. The court will issue its  
18 order in response to that motion as soon as possible now.

19 The objections at ECF No. 81 are **overruled**.

20 IT IS SO ORDERED.

21 DATED: November 22, 2022.

  
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CHIEF UNITED STATES DISTRICT JUDGE