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10 Attorneys for Plaintiffs

11 UNITED STATES DISTRICT COURT

12 FOR THE EASTERN DISTRICT OF CALIFORNIA

13 WILLIAM WIESE, et al.,
14
15 Plaintiffs,
16
17 vs.

18 ROB BONTA, in his official capacity as
19 Attorney General of California, et al.,
20
21 Defendants.

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

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR SUMMARY
JUDGMENT**

[FRCP 56]

Date: July 10, 2023
Time: 1:30 p.m.
Courtroom 5, 14th Floor
Judge: Hon. William B. Shubb

22
23 ORDER GRANTING MOTION FOR SUMMARY JUDGMENT

24 On July 10, 2023, the Court heard the motion of plaintiffs William Wiese, Jeremiah
25 Morris, Lance Cowley, Sherman Macaston, Clifford Flores, L.Q. Dang, Frank Federau, Alan
26 Normandy, Todd Nielsen, California Gun Rights Foundation (formerly the Calguns Foundation),
27 Firearms Policy Coalition, FPC Action Foundation (formerly Firearms Policy Foundation), and
28

1 Second Amendment Foundation (“Plaintiffs”), for summary judgment in their favor pursuant to
2 Fed. Rule Civ. Pro. 56. All parties were represented by their counsel of record. The Court
3 considered all papers submitted in support of, and in opposition to, the Plaintiffs’ motion,
4 including the declarations in support of and in opposition to the motion, and all requests for
5 judicial notice. The matter having been submitted, the Court hereby orders as follows:

6 Plaintiffs have shown, through their Statement of Undisputed Material Facts, and
7 evidence cited therein, that there is no genuine dispute of material fact as to the passage and
8 effect of the State’s laws governing the regulation and prohibition of “large capacity magazines”
9 as that term is defined by statute. Plaintiffs have further shown that the matters submitted before
10 this court on Plaintiffs’ motion are matters of law. Plaintiffs have demonstrated that the State’s
11 laws which prohibit the possession, manufacture, sale or transfer of “large-capacity
12 magazines”—as that term is defined by statute—specifically, Cal. Penal Code §§ 32310, 32390,
13 32445, and 32450, and each of them, violate the Second Amendment of the United States
14 Constitution; that these subject laws violate the Due Process and Takings Clauses of the United
15 States Constitution and the California Constitution; and that Pen. Code § 32445 violates the
16 Equal Protection Clause of the United States Constitution and the California Constitution.
17 Accordingly, and in all instances, this Court finds that Plaintiffs are entitled to summary
18 judgment in their favor, and will enter judgment enjoining defendants and their agents from
19 enforcing the large capacity magazine laws, in the form of a proposed judgment to be submitted
20 by Plaintiffs.

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22 IT IS SO ORDERED.

23 Dated: _____

24 HON. WILLIAM B. SHUBB
25 UNITED STATES DISTRICT JUDGE
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