

Nos. 23-1825, 23-1826, 23-1827, & 23-1828 (consol.)

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

CALEB BARNETT, BRIAN NORMAN,)
HOOD’S GUNS & MORE, PRO GUN)
AND INDOOR RANGE, and)
NATIONAL SPORTS SHOOTING)
FOUNDATION, INC.,)

Plaintiffs-Appellees,)

v.)

KWAME RAOUL, Attorney General of)
the State of Illinois, and BRENDAN F.)
KELLY, Director of the Illinois State)
Police,)

Defendants-Appellants.)

Appeal from the United States
District Court for the Southern
District of Illinois

No. 3:23-cv-00209-SPM

The Honorable
STEPHEN P. McGLYNN,
Judge Presiding.

DANE HARREL; C4 GUN STORE,)
LLC; MARENCO GUNS, INC.;)
ILLINOIS STATE RIFLE)
ASSOCIATION; FIREARMS POLICY)
COALITION, INC.; and SECOND)
AMENDMENT FOUNDATION,)

Plaintiffs-Appellees,)

v.)

KWAME RAOUL, in his official capacity)
as Attorney General of Illinois;)
BRENDAN F. KELLY, in his official)
capacity as Director of the Illinois State)
Police,)

Defendants-Appellants,)

and)

Appeal from the United States
District Court for the Southern
District of Illinois

No. 3:23-cv-00141-SPM

JAMES GOMRIC, in his official capacity)
as State’s Attorney of St. Clair County,)
Illinois; JEREMY WALKER, in his)
official capacity as State’s Attorney of)
Randolph County, Illinois; PATRICK D.)
KENNEALLY, in his official capacity as)
State’s Attorney of McHenry County,)
Illinois; RICHARD WATSON, in his)
official capacity as Sheriff of St. Clair)
County, Illinois; JARROD PETERS, in)
his official capacity as Sheriff of)
Randolph County, Illinois; ROBB)
TADELMAN, in his official capacity as)
Sheriff of McHenry County, Illinois,) The Honorable
) STEPHEN P. McGLYNN,
Defendants.) Judge Presiding.

JEREMY W. LANGLEY, TIMOTHY B.) Appeal from the United States
JONES, and MATTHEW WILSON,) District Court for the Southern
) District of Illinois

Plaintiffs-Appellees,)

v.)

BRENDAN KELLY, in his official)
capacity as Director of the Illinois State)
Police,) No. 3:23-cv-00192-SPM

Defendant-Appellant,)

and)

COLE PRICE SHANER, in his official)
capacity as State’s Attorney of Crawford)
County, Illinois,) The Honorable
) STEPHEN P. McGLYNN,

Defendant.) Judge Presiding.

FEDERAL FIREARMS LICENSEES OF ILLINOIS, an Illinois not-for-profit corporation; GUNS SAVE LIFE, an Illinois not-for-profit corporation; GUN OWNERS OF AMERICA, a California non-stock corporation and a not-for-profit membership organization; GUN OWNERS FOUNDATION, a Virginia non-stock corporation and a not-for-profit legal defense and educational foundation; PIASA ARMORY, a Missouri corporation; DEBRA CLARK; JASMINE YOUNG; and CHRIS MOORE,)	Appeal from the United States District Court for the Southern District of Illinois
)	
Plaintiffs-Appellees,)	
)	
v.)	
)	
JAY ROBERT “J.B.” PRITZKER, in his official capacity as Governor of the State of Illinois; KWAME RAOUL, in his official capacity as Attorney General of the State of Illinois, and BRENDAN F. KELLY, in his official capacity as Director of the Illinois State Police,)	No. 3:23-cv-00215-SPM
)	
Defendants-Appellants.)	The Honorable STEPHEN P. McGLYNN, Judge Presiding.

AMENDED DOCKETING STATEMENT

As required by Circuit Rule 3(c), Defendants-Appellants Kwame Raoul, in his official capacity as Attorney General of the State of Illinois; Brendan Kelly, in his official capacity as Director of the Illinois State Police; and JB Pritzker, in his official capacity as the Governor of the State of Illinois (collectively, “state defendants”), by their attorney, Kwame Raoul, Attorney General of the State of Illinois, submit this amended docketing statement.

1. On January 13, 2023, Plaintiffs-Appellees Jeremy W. Langley, Timothy B. Jones, and Matthew Wilson filed a complaint in Illinois state court, *see Langley Doc. 1-1*, which was removed to the district court pursuant to 28 U.S.C. § 1441(a) on January 23, 2023, and captioned as *Langley v. Kelly*, No. 3:23-cv-00192, *see Langley Doc. 1*.*

2. On January 17, 2023, Plaintiffs-Appellees Dane Harrel; C4 Gun Store, LLC; Marengo Guns, Inc.; Illinois State Rifle Association; Firearms Policy Coalition, Inc.; and Second Amendment Foundation filed a complaint in the district court, captioned as *Harrel v. Raoul*, No. 3:23-cv-00141-SPM. *Harrel Doc. 1*.

3. On January 24, 2023, Plaintiffs-Appellees Caleb Barnett, Brian Norman, Hood's Guns & More, Pro Gun and Indoor Range, and National Sports Shooting Foundation, Inc., filed a complaint in the district court, captioned as *Barnett v. Raoul*, 3:23-cv-00209. *Barnett Doc. 1*.

4. Also on January 24, 2023, Plaintiffs-Appellees Federal Firearms Licensees of Illinois, Guns Save Life, Gun Owners of America, Gun Owners Foundation, Piasa Armory, Debra Clark, Jasmine Young, and Chris Moore filed a complaint in the district court, captioned as *Federal Firearms Licensees of Illinois v. Pritzker*, No. 3:23-cv-00215. *Fed. Firearms Doc. 1*.

5. Each of those complaints was brought under 42 U.S.C. § 1983 and claimed that the Protect Illinois Communities Act, Public Act 102-1116 (eff. Jan. 10,

* The district court dockets in the four actions giving rise to this consolidated appeal are cited as "*Barnett Doc. ___*," "*Harrel Doc. ___*," "*Langley Doc. ___*," and "*Fed. Firearms Doc. ___*," respectively.

2023) (“Act”), violated plaintiffs’ rights to keep and bear arms under the Second and Fourteenth Amendments to the United States Constitution. *Barnett* Doc. 1 at 19-26; *Fed. Firearms* Doc. 1 at 32-43; *Harrel* Doc. 1 at 25-28; *Langley* Doc. 1-1 at 3-8, 11-15. The *Langley* plaintiffs also claimed that the Act violated their rights to due process under the Fourteenth Amendment to the United States Constitution. *Langley* Doc. 1-1 at 8-11, 15. Because the complaints raised federal questions, the district court had subject matter jurisdiction over these actions under 28 U.S.C. § 1331.

6. In each action, plaintiffs filed motions for preliminary injunctions to preclude the Act from being enforced until final judgment could be entered. *Barnett* Doc. 10; *Harrel* Doc. 16; *Langley* Doc. 6; *Fed. Firearms* Doc. 28.

7. On February 24, 2023, the district court entered an order consolidating these four actions “for the purposes of discovery and injunctive relief” and designating *Barnett* “as the lead case.” *Barnett* Doc. 32 at 3-4.

8. On April 28, the district court granted plaintiffs’ motions for preliminary injunction in a single order entered in *Barnett* that “carrie[d] over” to *Harrel*, *Langley*, *Federal Firearms*. *Barnett* Doc. 101 at 2. No motion to alter or amend the order was filed.

9. That same day, state defendants filed four separate notices of appeal in *Barnett*, *Federal Firearms*, *Harrel*, and *Langley*. *Barnett* Doc. 102; *Harrel* Doc. 46; *Langley* Doc. 37; *Fed. Firearms* Doc. 45. These appeals were timely under 28 U.S.C. § 2107(a) and Fed. R. App. P. 4(a)(4)(A)(iv) because they were filed within 30 days of the district court’s order granting plaintiffs’ motions for preliminary injunction.

10. Accordingly, this court has jurisdiction over these appeals from the order granting plaintiffs' motions for preliminary injunction under 28 U.S.C. § 1292(a).

11. On May 1, 2023, this court granted state defendants' unopposed motion to consolidate these four appeals.

12. On May 12, 2023, this court entered an order further consolidating these four appeals with *Herrera v. Raoul*, No. 23-1793, and scheduling oral argument in the consolidated appeals on the same day as *Bevis v. City of Naperville*, No. 23-1353.

Respectfully submitted,

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May 18, 2023

CERTIFICATE OF FILING AND SERVICE

I certify that on May 18, 2023, I electronically filed the foregoing Docketing Statement with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the CM/ECF system.

I further certify that the other participants in this appeal, named below, are registered CM/ECF users and will be served by the CM/ECF system.

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