

Nos. 23-1825 (lead case), 23-1826, 23-1827, 23-1828, and 23-1793

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

CALEB BARNETT *et al.*,
Plaintiffs-Appellees,

v.

KWAME RAOUL *et al.*,
Defendants-Appellants.

**On Appeal from the United States District Court for the
Southern District of Illinois (Nos. 23-cv-209, 23-cv-141, 23-cv-192, 23-cv-215)
and the United States District Court for the Northern District of Illinois
(No. 23-cv-532)**

**MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE SECOND
AMENDMENT LAW CENTER, GUN OWNERS OF CALIFORNIA,
CALIFORNIA RIFLE & PISTOL ASSOCIATION, STATE LINE RIFLE
ASSOCIATION, AND DEWITT COUNTY SPORTSMANS CLUB**

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June 26, 2023

The Second Amendment Law Center, Gun Owners of California, California Rifle & Pistol Association, State Line Rifle Association, and Dewitt County Sportsmans Club, by counsel, pursuant to Fed. R. App. P. 29(a)(3), hereby move the Court for leave to file an amicus curiae brief in these consolidated cases. The brief supports affirmance of Nos. 23-1825, 23-1826, 23-1827, and 23-1828, and reversal in No. 23-1793. Not all parties consent to the filing of this brief. In support thereof, movants represent:

The Second Amendment Law Center (“the Center”) is a 501(c)(3) not-for-profit corporation headquartered in Henderson, Nevada. The Center promotes and defends the individual right to keep and bear arms. The Center also educates the public about the social utility of private firearm ownership and publishes historical, criminological, and technical information about firearms.

Gun Owners of California is a 501(c)(4) not-for-profit entity founded in 1975 to oppose infringements on the rights of firearms owners. It is dedicated to the defense of the Second Amendment, and America’s extraordinary heritage of firearms ownership. Its advocacy efforts include the courts, having filed amicus briefs in numerous cases in California and other states as well as before the U.S. Supreme Court.

The California Rifle & Pistol Association (“CRPA”), founded in 1875, is a not-for-profit membership and donor supported organization with tens of thousands

of members throughout California. CRPA works tirelessly to defend the civil and constitutional rights of individuals to choose to responsibly own and use firearms. It opposes unconstitutional gun control laws, and provides guidance to California gun owners regarding their legal rights and responsibilities.

State Line Rifle Association is an Illinois nonprofit corporation that, among other activities, monitors national, state, and local legislation that impacts firearm-related and Second Amendment issues, and disseminates that information to its members in Illinois. It especially focuses on introducing new people to firearms and the shooting sports. DeWitt County Sportsmans Club was established in rural DeWitt County, Illinois, in 1944. It provides facilities for the development and maintenance of safety and proficiency with firearms, and supports the constitutional right of law-abiding citizens to keep and bear arms within the State of Illinois. Both of these groups have members who have been or will be negatively affected by the Illinois bans on “assault weapons” or “large capacity magazines” unless those laws are enjoined.

Amici’s interest in this litigation is based on their mission to defend the right to keep and bear arms. The prohibitions on firearms at issue in these cases are unprecedented in the State of Illinois and in most of the United States. These prohibitions create irreparable harm and should be preliminarily enjoined to give the district courts an opportunity to decide their constitutionality based on a full record.

The reason why an amicus brief is desirable and why the matters asserted are relevant to the disposition of the case are as follows. This brief brings to the attention of the Court relevant matter not already brought to its attention by the parties. First, it demonstrates that, under applicable Supreme Court precedent, once firearms are shown to be in common use, it is unnecessary to consider historical analogues. Second, the prohibited firearms are not unusually dangerous, which is recognized by the State itself in certain other provisions of law. Third, the original public meaning of the Second Amendment must be found in that which was understood in 1791 when it was ratified, not in 1868 when the Fourteenth Amendment was ratified.

The proposed brief accompanies this motion.

Respectfully submitted,

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Date: June 26, 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2023, an electronic PDF of the foregoing Motion for Leave to File Brief of Amici Curiae Second Amendment Law Center *et al.* was uploaded to the Court's CM/ECF system, which will automatically generate and send by electronic mail a Notice of Docket Activity to all registered attorneys participating in the case. Such notice constitutes service on those registered attorneys.

/s/ Stephen P. Halbrook
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