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**VIA CM/ECF**

Office of the Clerk of Court  
United States Court of Appeals  
for the Seventh Circuit  
Everett McKinley Dirksen Courthouse  
219 S. Dearborn Street, Room 2722  
Chicago, IL 60604

**Re:** *Caleb Barnett, et al. v. Kwame Raoul, et al.*, No. 23-1825  
(consolidated with Nos. 23-1353, 23-1793, 23-1826, 23-1827, and 23-1828)  
Appellees' Citation of Supplemental Authority Pursuant to Rule 28(j)

Plaintiffs-Appellees write to notify this Court of a recent ruling by the District Court for the Southern District of California in *Miller v. Bonta*, S.D. Cal. No. 19-cv-01537-BEN-JLB, Dkt. No. 175. That ruling comports with the District Court ruling in *Caleb Barnett, et al.* and may be of considerable persuasive value to this court.

The Court explained how some courts that have reasoned that firearms “most useful in military service” can be banned are mistaken. “*Heller* made the logical connection between weapons commonly possessed by law-abiding citizens for lawful purposes that would also be useful for military purposes.” *Miller*, at pp. 12-13. “[C]ommonly owned weapons that may be useful for war and are reasonably related to militia use are also fully protected, so long as they are not useful solely for military purposes.” *Id.*, at p. 13.

The Court also pointed out how “historical twins” to California’s “assault weapon” ban are not unimaginable, they just did not exist. “It could have been the case that the early states prohibited ownership of rifles and muskets with bayonet attachments or firearms capable of multiple shots without reloading...There were no such restrictions.” *Id.*, at p. 38. More importantly, and as Plaintiffs have argued in this case, dramatic leaps in firearm technology *did* happen in the 19<sup>th</sup> century, but they were never banned. “[T]here are no state prohibitions on the possession or manufacture of [Henry and Winchester] lever-action rifles in the State’s law list.” *Id.*, at p. 39.

The Court went through some of the same proposed analogues argued by Illinois in this case, rejecting them one by one as completely dissimilar to a ban on possession of common firearms. These included trap gun laws, fire-safety laws related to gunpowder storage,

restrictions on the carry of bowie knives and concealed pistols, surety laws, machinegun restrictions, and racist laws. *Id.*, pp. 41-55.

Finally, the Court rejected California's argument that actual use in self-defense shootings is the relevant metric of "common use". "An AR-15 under one's bed at night is being used for self-defense even when the night is quiet." *Id.*, p. 72.

Sincerely,  
**Michel & Associates, P.C.**

A handwritten signature in black ink, appearing to read "Michel", written in a cursive style.

C.D. Michel