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11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
13 CIVIL DIVISION

14  
15 **KIM RHODE et al.,**

16 Plaintiffs,

17 v.

18 **ROB BONTA, in his official capacity**  
19 **as Attorney General of the State of**  
20 **California,**

21 Defendant.

Case No. 3:18-cv-00802-BEN-JLB

**RENEWED REQUEST FOR STAY  
OF DISTRICT COURT'S  
JANUARY 30, 2024 DECISION**

Judge: Hon. Roger T. Benitez  
Action Filed: April 26, 2018

Defendant Rob Bonta, in his official capacity as Attorney General of the State of California, requests that the Court stay the Decision dated January 30, 2024<sup>1</sup> enjoining implementation or enforcement of the ammunition sales background check provisions found in California Penal Code §§ 30352 and 30370(a) through (e); the ammunition anti-importation provisions found in §§ 30312(a) and (b) and 30314(a); and the criminal enforcement of California Penal Code §§ 30312(d), 30314(c), and 30365(a) (“Decision”) pending appeal. ECF No. 105. If the Court is not inclined to grant a stay of the Decision pending appeal, the Attorney General requests a brief administrative stay of ten days, to seek relief from the Ninth Circuit Court of Appeals. *See, e.g., Miller v. Bonta*, Case No. 3:19-cv-01537-BEN-JLB, ECF No. 175 (Decision at 78); *Duncan v. Bonta*, Case No. 3:17-cv-01017-BEN-JLB, ECF No. 149 (Decision at 70–71). The Attorney General requests a ruling on this request by no later than 2 p.m. today, January 31, 2024.

The Attorney General previously requested that the Court enter a stay pending appeal if it enjoined the ammunition laws in whole or in part. ECF No. 81 at 25 n.16; ECF No. 86 at 10 n.15. Although the Court granted (in part) the Attorney General’s requests in its final orders in other recent cases involving Second Amendment challenges to California’s public safety laws, *see Miller and Duncan, supra*, the Decision here makes no reference to the stay requests in this case.

Just as in *Miller and Duncan*, a stay pending appeal—and at a minimum a brief stay to seek relief from the Court of Appeals—is warranted in this case. If the Decision is allowed to stay in effect, it would irrevocably alter the status quo by enjoining enforcement of laws that have been in effect for over four years; allowing prohibited California residents to acquire ammunition during the appeal; and jeopardizing public safety. And, if the challenged provisions of the ammunition

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<sup>1</sup> Although the Decision is dated January 30, 2024, it was not served on the parties via the CM/ECF system until 8:26 am today, January 31. The Attorney General promptly prepared this request upon service.

1 laws are later upheld, it would be difficult for the State to reverse those  
2 transactions, identify prohibited persons who purchased ammunition during the  
3 appeal in violation of the ammunition laws, and restore the status quo.

4 At an absolute minimum, if the Court is not inclined to stay the Decision  
5 pending appeal, the Attorney General requests an interim ten-day stay, just as the  
6 Court granted in *Miller* and *Duncan*, to seek relief from the Ninth Circuit Court of  
7 Appeals.

8 Dated: January 31, 2024

Respectfully submitted,

9 ROB BONTA  
10 Attorney General of California  
11 P. PATTY LI  
12 Supervising Deputy Attorney General  
13 JOHN D. ECHEVERRIA  
14 Deputy Attorney General

15 *s/ Christina R.B. López*

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17 Deputy Attorney General  
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