

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

CALIFORNIA RIFLE & PISTOL ASSOCIATION, INCORPORATED; THE SECOND AMENDMENT FOUNDATION; GUN OWNERS OF AMERICA, INC.; GUN OWNERS FOUNDATION; GUN OWNERS OF CALIFORNIA, INC.; ERICK VELASQUEZ, an individual; SHERWIN DAVID PARTOWASHRAF, an individual; CHARLES MESSEL, an individual; BRIAN WEIMER, an individual; JUNG YUN, an individual; ALBERT MEDALLA, an individual; CLARENCE RIGALI, an individual; KEITH REEVES, an individual; CYNTHIA GABALDON, an individual; DAVID BROADY, an individual; and STEPHEN HOOVER, an individual,

Plaintiffs,

v.

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT; SHERIFF ROBERT LUNA, in his official capacity; LA VERNE POLICE DEPARTMENT; LA VERNE CHIEF OF POLICE COLLEEN FLORES, in her official capacity; ROBERT BONTA, in his official capacity as Attorney General of the State of California; and DOES 1-10,

Defendants.

Case No. 2:23-cv-10169-SPG-ADS

**[PROPOSED] ORDER GRANTING DEFENDANTS LOS ANGELES COUNTY SHERIFF'S DEPARTMENT AND SHERIFF ROBERT LUNA'S MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED AND SUPPLEMENTAL COMPLAINT [ECF NO. #]**

Judge: Hon. Sherilyn Peace Garnett  
Hearing Date: January 15, 2025  
Hearing Time: 1:30 p.m.  
Courtroom: 5C

1 On October 28, 2024, Defendants Los Angeles County Sheriff's Department  
2 (LASD) and Sheriff Robert Luna filed their Motion to Dismiss Plaintiffs' First  
3 Amended and Supplemental Complaint.

4 Pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil  
5 Procedure, Defendants move to dismiss in part, without leave to amend, Plaintiffs'  
6 First Claim for Relief (Second Amendment), Fourth Claim for Relief (California  
7 Penal Code), and Eighth Claim for Relief (Fourteenth Amendment) because  
8 Plaintiffs fail to state a claim upon which relief can be granted and this Court lacks  
9 subject matter jurisdiction.

10 The Court, having considered Defendants' Motion, hereby GRANTS the  
11 Motion and concludes and so ORDERS as follows:

12 1. Defendant LASD is, for purposes of this litigation, a state agency  
13 entitled to absolute immunity and is therefore dismissed from this litigation as an  
14 improper defendant.

15 2. Plaintiffs' purported facial challenges to the constitutionality of  
16 California's CCW licensing regime are dismissed with prejudice for failure to state  
17 a claim.

18 3. Plaintiffs' Fourth Claim is dismissed with prejudice because the  
19 Eleventh Amendment bars any claim in federal court that a state official purportedly  
20 violated state law, *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 106  
21 (1984), and because California Penal Code section 26205 provides no private right  
22 of action.

23 4. Plaintiffs' claims against Defendants for municipal liability are  
24 dismissed with prejudice for failure to state a claim.

25 5. Plaintiffs' First and Eighth Claims are limited to as-applied challenges  
26 against Sheriff Luna in his official capacity, as a state actor.

27 6. Plaintiffs Messel and Weimer's claims are dismissed as moot.  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

7. Plaintiffs Gun Owners Foundation and Gun Owners of California’s claims are dismissed for lack of standing.

8. Plaintiffs Medalla, Yun, Velasquez, Partowashraf, California Rifle & Pistol Association, Inc., Second Amendment Foundation, and Gun Owners of America, Inc. may only pursue individual, as-applied relief for Medalla, Yun, Velasquez, and Partowashraf.

IT IS SO ORDERED.

Dated:

---

HON. SHERILYN PEACE GARNETT  
UNITED STATES DISTRICT JUDGE