

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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Form 27. Motion for Preliminary Injunction

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form27instructions.pdf>

9th Cir. Case Number(s) 24-5566

Case Name Sanchez v. Bonta

Lower Court or Agency Case Number 3:24-cv-00767-RSH-MSB

What is your name? Gary R Sanchez

1. What do you want the court to do?

Prevent the State of California and all its agents from enforcing California Penal Code Subsection 33410

2. Why should the court do this? Be specific. Include all relevant facts and law that would persuade the court to grant your request. (Attach additional pages as necessary. Your motion may not be longer than 20 pages.)

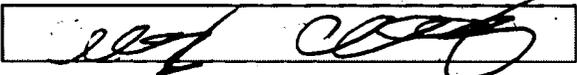
Please see attached pages

Your mailing address:

5941 Rio Valle Dr

City Bonsall State CA Zip Code 92003

Prisoner Inmate or A Number (if applicable)

Signature  Date 9/18/2024

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1 The State of California has not met its burden of Text and History
2 established by *District of Columbia v. Heller*, 554 U.S. 570 (2008) and
3 clarified by *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597
4 U.S. (2022). In the District Court the State argues that Silencers are not
5 covered by the 2nd Amendment because they are accessories and not "integral to
6 the operation of a firearm", ECF No. 11-1 at 15. Following that logic the only
7 parts of firearms which are not allowed to be banned are: Hammers, Ammunition,
8 and Pressure Bearing Pipes or Tubes. This logic is not only ridiculous but
9 also ignores the existence of firearms in which silencers are integral, a
10 couple of examples being: the Chinese Type 64 Silenced Pistol, the Soviet MSP
11 Groza silent pistol, and the Ruger SILENT-SR ISB. To further devastate that
12 argument we can think about what the goals of the founders were when procuring
13 their own arms and I believe those goals can be summarized into 3 categories;
14 Ease of use, Speed of use, and Accuracy. Now taking those 3 categories and
15 applying them in this context we can see that Silencers increase ease of use,
16 speed of use, and Accuracy by reducing muzzle flash (allowing the shooter to
17 maintain visibility: Accuracy and Usability), by reducing recoil (allowing the
18 user to make faster follow up shots: Accuracy, Usability, and Speed), and by
19 reducing noise (allowing the user to stay audibly aware without risking
20 hearing damage: Usability). A second argument made by the State is that a
21 Silencer is not an Arm because it "cannot be used to cast at or strike
22 another" ECF No. 11-1 at 15 (Internal Quotations Omitted). This argument is
23 just as ridiculous as the first, one can most definitely throw a silencer
24 (which is usually made of a strong metal) in offense or defense, as well as
25 use a silencer as a bludgeoning tool (and I believe it would work quite well,
26 as it is inherently, usually, a metal pipe. This is not to say that a plastic
27 pipe wouldn't also work well, it may just take a little more effort to achieve
28 the same result).

1 In order to preserve the status quo which existed from the founding to
2 the enactment of the prohibition in question (1776 to 1933, a time span of 157
3 Years versus the time the prohibition has been in place 1933-2024, 91 Years).
4 I humbly ask the court to grant this Motion for Preliminary Injunction.

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Form 25. Certificate of Service for Paper Filing

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Instructions

- You must attach a certificate of service to each document you send to the court and to opposing counsel.
- Include the title of the document you are serving, the name and address of each person you served with a copy of the document, and the date of mailing or hand delivery.
- Sign and date the certificate. You do not need to have the certificate notarized.
- Remember that you must send a copy of **all** documents and attachments to counsel for each party to this case.

9th Cir. Case Number(s)

Case Name

I certify that I served on the person(s) listed below, either by mail or hand delivery, a copy of the and any attachments. *(title of document you are filing, such as Opening Brief, Motion for __, etc.)*

Signature Date

Name	Address	Date Served
Kevin L Quade	1300 I Street, Suite 125 P.O. BOX 944255, Sacramento, CA	9/18/2024

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