

No. 24-5566

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

GARY SANCHEZ,
Plaintiff and Appellant,

v.

ROB BONTA, IN HIS OFFICIAL CAPACITY AS
ATTORNEY GENERAL OF THE STATE OF CALIFORNIA,
Defendant and Appellee.

**On Appeal from the United States District Court
for the Southern District of California**

No. 24-cv-767-RSH-MSB

Hon. Robert S. Huie, District Judge

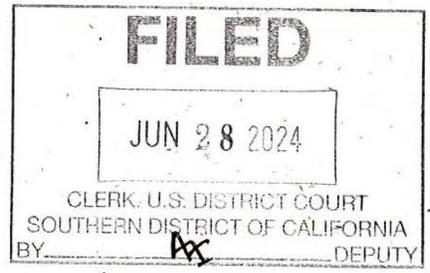
**APPELLEE'S SUPPLEMENTAL EXCERPTS OF RECORD
VOLUME 2 OF 2**

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GARY R SANCHEZ
5941 RIO VALLE DR
BONSALL, CA 92003
(323)979-2905
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

GARY R SANCHEZ)
)
Plaintiff,)
vs.)
)
ROB BONTA, in his official capacity)
as Attorney General of the State of)
California)
)
Defendant.)

Case No.: 24-cv-767-RSH-MSB
**PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION TO DISMISS**

1 Plaintiff Gary R. Sanchez files this Opposition to Defendant's Motion
2 to Dismiss.

3 **DISCUSSION**

4 Plaintiffs Motion to Dismiss and accompanying Memorandum of Points and
5 Authorities misses the mark on whether Silencers ("Suppressors") constitute
6 bearable arms and are thus presumptively protected by the Second Amendment.
7

8 **1. Silencers are presumptively protected by the Second Amendment**

9 "When the Second Amendment's plain text covers an individual's
10 conduct, the Constitution presumptively protects that conduct". *Bruen*, 597
11 U.S. at 8. The conduct in question being the ability to purchase and bear an
12 arm which is "in common use for lawful purposes". *Heller*, 554 U.S. at 571.
13 See Exhibit A (BATF Freedom of Information Act request #2024-00802).
14

15 **2. Silencers are "Arms"**

16 Because Silencers can be used in both defensive situations (such as
17 shooting would be attackers from a protective & hidden position while
18 retaining the ability to hear what is going on in your surroundings) and
19 offensive situations (returning fire with reduced recoil and muzzle flash
20 thus improving marksmanship). Silencers fit the definition of an "Arm".
21

22 **3. Silencers are not "Dangerous and Unusual"**

23 Silencers today are "in common use for lawful purposes". *Heller*, 554
24 U.S. at 571. Defense attempts to mislead the court with an incorrect reading
25 of *Heller* regarding the "common use" test. See Exhibit A which reports that
26 there are 3,493,765 lawfully owned Silencers in the United States. The
27 common use test put forward in *Caetano v. Massachusetts* 577 U.S. at 411.
28 "the pertinent Second Amendment inquiry is whether stun guns are commonly
possessed by law-abiding citizens for lawful purposes today". *Caetano*, 577

1 U.S. at 420. Now replace [stun guns] with Silencers, in *Caetano* the
2 threshold was set at "200,000". *Caetano*, 577 U.S. at 420. Therefore because
3 there are well over 200,000 Silencers possessed by law-abiding citizens for
4 lawful purposes not only are they covered by the text of the Second
5 Amendment but they are also not Unusual.

6
7 **4. California's Prohibition on Silencers Is Not Consistent with this Nations**
8 **History and Tradition of Firearms Regulation.**

9 Defendant's do not point to any "relevantly similar" historical
10 regulation which would allow prohibition of Silencers. *Bruen* lays out a
11 historical analysis framework which specifies the time frame in which we
12 should look for relevant restrictions "Constitutional rights are enshrined
13 with the scope they were understood to have when the people adopted them."
14 *Heller*, 554 U.S. at 634-635. The time frame we should be looking toward then
15 should be from around 1791 and 1868, "The Second Amendment was adopted in
16 1791; the Fourteenth 1868. Historical Evidence that long predates or post-
17 dates either time may not illuminate the scope of the right." *Bruen*, 597
18 U.S. at 4. therefore we can simply throw out all the Defendants evidence
19 from before and after that time frame. That leaves only laws which do not
20 have a single iota of relevancy to the prohibition in question here.
21 Discussion of each applicable law follows:

22
23 **4a. 1837 Ala. Acts 7, No. 11, § 2** deals with the tax on the transfer
24 or purchase of Bowie Knives but does not bar their possession. This law is
25 not analogous to California Penal Code § 33410 which bars its possession
26 completely.
27
28

1 **4b. 1868 Fla. Stat. Ch 1637** reprinted in Blount et al., **The Revised**
2 **Statutes of the State of Florida 783, tit. 2, art. 5, § 2425 (1892)**. This
3 statute bars manufacture and sale of a slung-shot or metallic knuckles but
4 does not bar its possession or purchase/import from another state as
5 California Penal Code § 33410 does for Silencers.

6
7 **4c. 1837 Ga. Acts 90, § 1.** Outright bans many weapons and would not in
8 itself have survived constitutional muster as in its own text it mentions
9 "arms of offence or defence" which this court should find requires the items
10 in the statute be covered by the plain text of the Second Amendment.

11
12 **4d. 1855 Ky. Acts 96, Chapter 636, § 1.** Again deals with "colts, brass
13 knuckles, slung-shots, or any imitation or substitute thereof" which are not
14 analogous to Silencers in any way.

15
16 **4e. 1850 Mass. Gen. Stat. ch. 194, § 2.** Once again deals with "any
17 instrument or weapon of the kind usually known as slung shot" which is not
18 analogous to Silencers.

19
20 **4f. An Act to Describe, Apprehend and Punish Disorderly Persons § 2**
21 **(1799)**. Does not apply to law-abiding citizens only to someone "with an
22 intent to break and enter into any dwelling-house or out-house" or "with
23 intent to assault any person" or "with an intent to steal any goods or
24 chattels". Therefore this law can not be used to justify a complete ban on
25 law-abiding citizens.

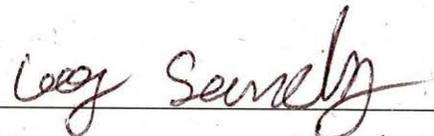
1 historical understanding but also items that make up (constitute) those
2 'arms' and instruments that facilitate, as Silencers do, armed self-defense.

3
4 **CONCLUSION**

5 For the reasons stated above, the Defendant's Motion should be denied.

6
7
8 Dated this 27 day of June, 2024

By



Gary Sanchez

Exhibit A

To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

Total number of Currently Registered Suppressors, and Currently Registered Short Barreled Rifles, Broken down by State. Data from dates between January 1st 1968 through January 31st 2024

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Gary Sanchez

March 11, 2024
2024-00802

REFER TO:

Gary Sanchez
MuckRock News DEPT MR 159388
263 Huntington Avenue
Boston, Massachusetts 02115

Dear [Mr./Ms.] Mr. Sanchez:

This is to acknowledge receipt of your Freedom of Information Act (FOIA) request dated February 26, 2024, and received by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) on the same date, in which you requested records concerning the total number of currently registered suppressors and short barreled rifles.

The records you seek require a search in at least one other office within ATF. Accordingly, your request presents "unusual circumstances" under the FOIA. See 5 U.S.C. § 552(a)(6)(B)(iii)(I). Because of these unusual circumstances, we are extending the time limit to respond to your request by ten additional days, as permitted by the statute. We have not completed a search to determine whether there are records within the scope of your request. The time needed to process your request will depend on the complexity of our records search and on the volume and complexity of any records located.

For your information, this office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Simple requests usually receive a response in approximately one month, whereas complex requests necessarily take longer. Your request was assigned to the Simple track. It was placed in chronological order based on the date of receipt and will be handled as quickly as possible when it is assigned for processing. Your request was assigned ATF tracking number 2024-00802. Please refer to this number in any future communications regarding this request.

Because this Office is not assessing any fees in connection with the processing of FOIA requests at this time, there is no need for us to determine whether your request qualifies for a waiver of fees.

If you have any questions regarding the status of your request, you may contact our FOIA Public Liaison at 202-648-7390. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

Ginae E. Barnett

Acting Chief
Information and Privacy Governance Division

04/22/2024
2024-00802

REFER TO:

Gary Sanchez
MuckRock News DEPT MR 159388
263 Huntington Ave
Boston, Massachusetts 02115

Dear Gary Sanchez:

This responds to your Freedom of Information Act (FOIA)/Privacy Act request dated 2/26/2024, and received by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) on the same date, in which you requested records concerning the total number of currently registered suppressors and short barreled rifles. Your request was assigned ATF tracking number 2024-00802. Please refer to this number in any future correspondence.

In response to your request, we processed a total of 1 pages of responsive material. Individual redactions identify the exemption pursuant to which the redacted material has been withheld. Please be advised that we considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaisons, Lynette Carter and Jasmine Bryant, at 202-648-7390 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website:

<https://doj-foia.entellitrak.com/etk-doj-foia-prod/login.request.do>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Please use the following link to navigate to your documents. This link will be

available for 365 days.

To retrieve the records associated with this request use this link Released Documents for Request 2024-00802 or enter <https://www.securerelease.us/request-details/20C0E5AC-D8B1-470E-853A-41863DEAA139/2> in your browser's address bar.
(<https://www.securerelease.us/request-details/20C0E5AC-D8B1-470E-853A-41863DEAA139/2>)

Please login or create a new user account using the email address associated with your records request: 159388-38713619@requests.muckrock.com

Sincerely,

Elizabeth A. Wood
Acting Chief
Information and Privacy Governance Division

Currently owned SI and SR by state. Weapons marked as Removed or Destroyed are not included.

Type	State	Count
SI	AK	20367
SI	AL	75936
SI	AR	47864
SI	AZ	112837
SI	CA	18996
SI	CO	95595
SI	CT	25227
SI	DE	1154
SI	FL	242367
SI	GA	176931
SI	HI	461
SI	IA	35061
SI	ID	56560
SI	IL	3930
SI	IN	85960
SI	KS	41606
SI	KY	61078
SI	LA	67831
SI	MA	13984
SI	MD	43851
SI	ME	14066
SI	MI	73976
SI	MN	50832
SI	MO	65859
SI	MS	44911
SI	MT	40706
SI	NC	110142
SI	ND	29459
SI	NE	34195
SI	NH	43382
SI	NJ	6362
SI	NM	28537
SI	NV	50048
SI	NY	9354
SI	OH	92150
SI	OK	72167
SI	OR	72580
SI	PA	116607
SI	RI	100
SI	SC	60465
SI	SD	109738
SI	TN	91539
SI	TX	591349
SI	UT	113560
SI	VA	113046
SI	VT	5270
SI	WA	110735
SI	WI	62684
SI	WV	20225
SI	WY	23825
SR	AK	4817
SR	AL	14608
SR	AR	7704
SR	AZ	39769
SR	CA	19146
SR	CO	23247
SR	CT	11325
SR	DE	869
SR	FL	82987
SR	GA	36678
SR	HI	121
SR	IA	6688
SR	ID	8938
SR	IL	5935
SR	IN	18568
SR	KS	9089
SR	KY	10896
SR	LA	13346
SR	MA	7938
SR	MD	12434
SR	ME	4929
SR	MI	19078
SR	MN	12659
SR	MO	15535
SR	MS	7622
SR	MT	4561
SR	NC	32038
SR	ND	2953
SR	NE	5461
SR	NH	11912
SR	NJ	5738
SR	NM	7073
SR	NV	18786
SR	NY	8772
SR	OH	26923
SR	OK	13908
SR	OR	17124
SR	PA	40258
SR	RI	450
SR	SC	15071
SR	SD	2379
SR	TN	23080
SR	TX	121171
SR	UT	14959
SR	VA	38077
SR	VT	1602
SR	WA	32550
SR	WI	13767
SR	WV	5377
SR	WY	3245

FILED
APR 29 2024
CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY AC DEPUTY

1 GARY R SANCHEZ
2 5941 RIO VALLE DR
3 BONSALL, CA 92003
4 (323) 979-2905
5 gary.r.sanchez@gmail.com

6 UNITED STATES DISTRICT COURT
7 SOUTHERN DISTRICT OF CALIFORNIA

10 GARY R SANCHEZ)
11)
12 Plaintiff,)
13 vs.)
14 ROB BONTA, in his official capacity)
15 as Attorney General of the State of)
16 California)
17 Defendant.)

Case No. : '24CV0767 JAH MSB
**COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

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1 Plaintiff Gary R Sanchez brings this action against Defendant Attorney
2 General Rob Bonta, in his official capacity, and make the following
3 allegations.

4 **Violation of Plaintiffs Right to Keep and Bear Arms**

5 California Penal Code Section 33410 prohibits possession of
6 suppressors which are overwhelmingly used by law abiding citizens for lawful
7 purposes. Although that is not the reason that Injunctive Relief should be
8 granted, the basis for Injunctive Relief comes from Supreme Court Precedent
9 set in Bruen 597 U.S. (2022) which requires the evaluation of text, history
10 and tradition from a period between 1791 and 1868, inclusive. Because
11 accessories for arms are arms themselves (Consider the First Amendments
12 application to digital forms of speech, and items used to propagate speech:
pens, computers, etc.) then we must be able to find a historical analogue in
the time period specified by Bruen and if we are not able to find such an
item, then the restriction is unconstitutional.

13 **CLAIM FOR RELIEF**

14 **Right to Keep and Bear Arms**

(U.S. Const., amends. II and XIV)

15 Because of the reasons set forth above and the rejection of plaintiffs
16 ATF Form 5320.1 (ATF Control Number 2024610201, Exhibit A,) Plaintiff
17 requests:

- 18 1. A declaratory judgement under 28 U.S.C. § 2201 that California
Penal Code section 33410 is unconstitutional on its face.
- 19 2. An injunction enjoining Defendants and their officers, agents,
20 and employees from enforcing California Penal Code section 33410
in its entirety.
- 21 3. Remedies be awarded for any costs incurred by plaintiff for loss
22 of work, time spent, court fees, travel fees, and any other
relevant expenses which arise from this case.
- 23 4. Grant any such other and further relief as the Court may deem
24 proper.

25
26
27 Dated this 29 day of April, 2024.

By



EXHIBIT A

OMB No. 1140-0011 (12/31/2025)

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Application to Make and Register a Firearm

ATF Control Number 2024610201

To: Bureau of Alcohol, Tobacco, Firearms and Explosives, P.O. Box 5015, Portland, OR 97208-5015, National Firearms Act Division (NFA)

(Submit in duplicate. Please do not staple documents. See instructions attached.)

As required by Sections 5821(b), 5822, and 5841 of the National Firearms Act, Title 26 U.S.C., Chapter 53, the undersigned hereby submits application to make and register the firearm described below.

2. Application is made by: Corporation Individual
 Other Legal Entity Trust Government Entity

3a. Trade Name (If any)

3b. Applicant's Full Legal Name and Full Mailing Address (Type or print below) (See instruction 2.D)

GARY RASHEED SANCHEZ
5941 RIO VALLE DR
BONSALL, CA 92003; UNITED STATES

3d. County/Parish
SAN DIEGO

3e. Telephone Number
(323) 979-2905

3f. E-mail Address
GARY.R.SANCHEZ@GMAIL.COM

3c. If P.O. Box is Shown Above, Street Address Must be Given Here

1. Type of Application (check one)

a. Tax Paid. Submit your tax payment of \$200 with the application. The tax may be paid by credit or debit card, check, or money order. Please complete item 20. Upon approval of the application, we will affix and cancel the required National Firearms Act Stamp. (See instruction 2.C and 3)

b. Tax Exempt. Firearm is being made on behalf of the United States, or any department, independent establishment, or agency thereof, or Tax Exempt. Firearm is being made by or on behalf of any State or possession of the United States, or any political subdivision thereof, or any official police organization of such a government entity engaged in criminal investigations.

c. Tax Exempt. Firearm is not subject to the making tax pursuant to Title 26 U.S.C. §§ 7801, 7805. To confirm the application qualifies for tax-free registration, ATF may require additional supporting documentation, such as photographs of the firearm to be registered.

4. Description of Firearm (Complete items a through k) (See instruction 2.J)

a. Name and Address of Original Manufacturer and/or Importer of Firearm (If any)	b. Type of Firearm to be Made (See definition 2.K) (If a destructive device, complete item 4.J)	c. Caliber or Gauge (Specify one)	d. Model (As marked on firearm)	e. Barrel Length	f. Overall Length
FORM 1 REGISTRATION; UNITED STATES	SILENCER	.5.56	FTN.3		8.5
g. Serial Number			000000001		

h. Additional Description (Indicate required Maker's Markings to include Maker's name as registered, City and State as each will appear on firearm)
3D PRINTED SUPPRESSOR MADE FROM P-PLA PURCHASED FROM KEANE VILLAGE PLASTICS

i. Specify Why You Intend To Make Firearm (Use additional sheet if necessary)
PERSONAL USE

j. Type of Destructive Device (Check one box): Firearm Explosives (If the Explosives box is checked, complete item 5 and see instruction 2.M)
If an Explosive Type Destructive Device. Please provide additional description:

k. Is This Firearm Being Reactivated? Yes No (See definition 1.K)

5. Applicant's Federal Firearms License (If any) or Explosives License or Permit Number For Notification Purposes, per Regulation 479.62, Please Provide 15-Digit Number	6. Special (Occupational) Tax Status (SOT) (If applicable) (See definitions)	
	a. Employer Identification Number	b. Class

Under Penalties of Perjury, I declare that I have examined this application, including accompanying documents, and to the best of my knowledge and belief it is true, accurate and complete and the making and possession of the firearm described above would not constitute a violation of Title 18, U.S.C., Chapter 44, Title 26, U.S.C., Chapter 53; or any provisions of State or local law.

7. Signature of Applicant DIGITALLY-SIGNED	8. Name and Title of Authorized Official GARY RASHEED SANCHEZ	9. Date 04/23/2024
---	--	-----------------------

The space below is for the use of the Bureau of Alcohol, Tobacco, Firearms and Explosives

By authority of the Director, Bureau of Alcohol, Tobacco, Firearms and Explosives, this Application has been Examined and the Applicant's Making and Registration of the Firearm described above is:

Approved (With the following conditions, if any)

Disapproved (For the following reasons)
SEE THE ATTACHED PAGE FOR THE REASON FOR THE DISAPPROVAL

Authorized ATF Official **Authorized**
NFA Division
Official

Digitally signed by Authorized NFA Division official
DN: cn=Authorized NFA Division official, ou=Bureau of ATF, ou=NFA Division, email=HFA@20.gov, c=US
2023.038.10421

Date
04/29/2024

Previous Editions Are Obsolete

ATF Copy
SER-026

MAKER'S CERTIFICATION (not completed by a GOVERNMENT ENTITY)

10. Law Enforcement Notification (See instruction 2.H)

Each applicant is to provide notification of the proposed making and possession of the firearm described on this Form 1 by providing a copy of the completed form to the Chief Law Enforcement Officer (CLEO) in the agency identified below:

SAN DIEGO COUNTY SHERIFF

KELLY MARTINEZ, SHERIFF

Agency or Department Name

Name and Title of Official

9621 RIDGEHAVEN CT, SAN DIEGO, CA, 92123, UNITED STATES

Address (Street address or P.O. Box, City, State and ZIP Code) to which sent (Mailed or delivered)

Information for the Chief Law Enforcement Officer

This form provides notification of the applicant's intent to make and register a NFA firearm. No action is required by the CLEO. However, should the CLEO have information that may disqualify this person from making or possessing a firearm, please contact the NFA Division at (304) 616-4500 or NFA@atf.gov.

Maker's Questions (Complete only when the maker is an individual)

Answer the following questions by checking or marking either the "yes" or "no" box to the right of the questions.

11. Answer questions 11.a. through 11.m. Answer questions 13, 15, 16 and 17 if applicable. For any "Yes" answer the applicant shall provide details on a separate sheet. (See instruction 7.C and definitions)

	Yes	No
a. Do you intend to make any firearm listed on this form for sale or other disposition to any person described in questions 11.c through 11.l, or a person described in question 11.m who does not fall under an exception?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Do you intend to sell or otherwise dispose of any firearm listed on this form in furtherance of any felony or other offense punishable by imprisonment for a term of more than one year, a Federal crime of terrorism, or a drug trafficking offense?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (See definition 1.N)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Have you ever been convicted in any court for a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See definition 1.N)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Are you a fugitive from justice? (See definition 1.T)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Have you ever been adjudicated as a mental defective OR have you ever been committed to a mental institution? (See definition 1.O and 1.P)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Have you been discharged from the Armed Forces under dishonorable conditions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See definition 1.Q)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See definition 1.R)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k. Have you ever renounced your United States citizenship?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
l. Are you an alien illegally or unlawfully in the United States?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

m.1. Are you an alien who has been admitted to the United States under a nonimmigrant visa? Yes No

m.2. If "Yes", do you fall within any of the exceptions stated in the instructions? Attach the documentation to the application Yes No N/A

13. If you are an alien, record your U.S.-Issued Alien or Admission number (AR#, USCIS#, or I94#):

14. Have you been issued a Unique Personal Identification Number (UPIN)? (See instruction 2.F) Yes No If Yes please list

15. Social Security Number: (See instruction 2.F)

Date of Birth:

16a. Ethnicity Hispanic or Latino Not Hispanic or Latino

16b. Race American Indian or Alaska Native Black or African American White Asian Native Hawaiian or Other Pacific Islander

17a. Country of Citizenship: (Check/List more than one, if applicable. Nationals of the United States may check U.S.A.) (See definition 1.S)

United States of America (U.S.A.) Other Country/Countries (Specify):

17b. State of Birth
CA

17c. Country of Birth
UNITED STATES OF AMERICA, US

CERTIFICATION: Under penalties imposed by 18 U.S.C. § 924 and 26 U.S.C. § 5861, I certify that, upon submission of this form to ATF, a completed copy of this form will be directed to the CLEO shown in item 10, that the statements, as applicable, contained in this certification, and any attached documents in support thereof, are true and correct to the best of my knowledge and belief. NOTE: See instructions 2.D(2) and 2.D(3) for the items to be completed depending on the type of applicant.

DIGITALLY SIGNED GÁRY RASHEED SÁNCHEZ

04/23/2024

Signature of Maker

Date

12. Photograph



Attach a 2" x 2" Photograph Here.
No Smiling. Place face
Sides of Photo to the Application.

1. Photo must have been taken within 60 days.

2. Photo must have been taken in full face view without a hat or head covering that obscures the hair or features.

3. On back of photograph, print full name, and a 9-digit SSN.

18. Number of Responsible Persons (*see definitions*) associated with the applicant trust or legal entity _____

19. Provide the full name (*printed or typed*) below for each Responsible Person associated with the applicant trust or legal entity (*if there are more Responsible Persons than can be listed on the form, attach a separate sheet listing the additional Responsible Person(s)*). Please note that a completed Form 5320.23, National Firearms Act (NFA) Responsible Person Questionnaire, must be submitted with the Form 1 application for each Responsible Person.

Full Name	Full Name
_____	_____
_____	_____
_____	_____

20: Method of Payment (*Check one*) (*See instruction 2.1*) (*if paying by credit/debit card, complete the sections below*)

Check (*Enclosed*) Cashier's Check or Money Order (*Enclosed*) Visa Mastercard American Express Discover Diners Club

Credit/Debit Card Number (<i>No dashes</i>)	Name as Printed on the Credit/Debit Card	Expiration Date (<i>Month & year</i>)
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Credit/Debit Card Billing Address:	Address:		
	City:	State:	ZIP Code:

Tax Amount:	\$
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I Authorize ATF to Charge my Credit/Debit Card the Above Amount.

Signature of Cardholder	Date
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Your credit/debit card will be charged the above stated amount upon receipt of your application. The charge will be reflected on your credit/debit card statement. In the event your application is NOT approved, the above amount will be credited to the credit/debit card noted above.

Important Information for Currently Registered Firearms

If you are the current registrant of the firearm described on this form, please note the following information.

Estate Procedures: For procedures regarding the transfer of firearms in an estate resulting from the death of the registrant identified in item 3b, the executor should contact the NFA Division, Bureau of ATF, 244 Needy Road, Martinsburg, WV 25405 or contact via email at NFAFAX@ATF.gov for additional assistance.

Interstate Movement: If the firearm identified in item 4 is a **machinegun, short-barreled rifle, short-barreled shotgun, or destructive device**, the registrant may be required by 18 U.S.C. § 922(a)(4) to obtain permission from ATF prior to any transportation in interstate or foreign commerce. ATF Form 5320.20 can be used to request this permission.

Change of Description or Address: The registrant shall notify the National Firearms Act Division, National Service Center, Bureau of Alcohol, Tobacco, Firearms and Explosives, 244 Needy Road, Martinsburg, WV 25405, in writing, of any change to the description of the firearm in item 4, or any change to the address of the registrant.

Restrictions on Possession: Any restriction (*see approval block on face of form*) on the possession of the firearm identified in item 4 continues with the further transfer of the firearm.

Persons Prohibited from Possessing Firearms: If the registrant becomes prohibited from possessing a firearm, please contact the NFA Division for procedures on how to dispose of the firearm.

Proof of Registration: A person possessing a firearm registered as required by the NFA shall retain proof of registration which shall be made available to any ATF Officer upon request.

Paperwork Reduction Act Notice

This form is in accordance with the Paperwork Reduction Act of 1995. The information you provide is used to establish that the applicant's making and possession of the firearm would be in conformance with Federal, State, and local law. The data is used as proof of lawful registration of a firearm to the manufacturer. The furnishing of this information is mandatory (26 U.S.C. § 5822).

The estimated average burden associated with this collection of information is 4.0 hours per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestion for reducing this burden should be addressed to Reports Management Officer, Resource Management Staff, Contract and Forms Section, Bureau of Alcohol, Tobacco, Firearms and Explosives, 99 New York Avenue NE, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Privacy Act Information

1. **Authority.** Solicitation of this information is made pursuant to the National Firearms Act (26 U.S.C. §§ 5821 and 5822). Disclosure of this information by the applicant is mandatory for any person (other than a manufacturer qualified under the National Firearms Act) making a firearm as defined in the National Firearms Act.
2. **Purpose.** To verify payment of the tax imposed by 26 U.S.C. § 5821; to determine that the making would not be in violation of law; and to effect registration of the firearm.
3. **Routine Uses.** The information will be used by ATF to make the determinations set forth in paragraph 2. In addition, to effect registration of the firearm, information as to the identification of the firearm, date of registration, and the identification and address of person entitled to possess the firearm will be entered into the National Firearms Registration and Transfer Record. No information obtained from an application, registration, or records required to be submitted by an individual in order to comply with any provision of the National Firearms Act or regulation issued thereunder, shall, except in connection with prosecution or other action for furnishing false information, be used, directly or indirectly, as evidence against that person in any criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application. The information from this application may only be disclosed to Federal authorities for purposes of prosecution for violation of the National Firearms Act.
4. **Effects of not Supplying Information Requested.** Failure to supply complete information will delay processing and may cause denial of the application.

Definitions/Instructions

1. Definitions.
 - A. **National Firearms Act (NFA).** Title 26, United States Code, Chapter 53. The implementing regulations are found in Title 27, Code of Federal Regulations, Part 479.
 - B. **Gun Control Act (GCA).** Title 18, United States Code, Chapter 44. The implementing regulations are found in Title 27, Code of Federal Regulations, Part 478.
 - C. **Firearm.** The term "firearm" means: (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon, as defined in 26 U.S.C. § 5845(e); (6) a machinegun; (7) a muffler or a silencer for any firearm whether or not such firearm is included within this definition; and (8) a destructive device, as defined in 26 U.S.C. § 5845 (f).
 - D. **Person.** A partnership, company, association, trust, corporation, including each Responsible Person associated with such an entity; an estate; or an individual.

Qualified- As related to a dealer, manufacturer and/or importer, qualified means the person licensed under the GCA as a dealer, importer, or manufacturer also pays the Special (Occupational) Tax (SOT), which qualifies that person to also engage in the business of dealing, importing, or manufacturing NFA firearms.

Section A

 - E. **Responsible Person.** In case of an unlicensed entity, including any trust, partnership, association, company (including any Limited Liability Company (LLC)), or corporation, any individual who possesses, directly, or indirectly, the power or authority to direct the management and policies of the trust or entity to receive, possess, ship, transport, deliver, transfer or otherwise dispose of a firearm for, or on behalf of, the trust or legal entity.

Section B

Trust: Those persons with the power or authority to direct the management and policies of the trust includes any person who has the capability to exercise such power and possesses, directly or indirectly, the power or authority under any trust instrument, or under State law, to receive, possess, ship, transport, deliver, transfer, or otherwise dispose of a firearm for, or on behalf of the trust. Examples of who may be considered a Responsible Person include settlors/grantors, trustees, partners, members, officers, directors, board members, or owners. An example of who may be excluded from this definition of Responsible Person is the beneficiary of a trust, if the beneficiary does not have the capability to exercise the enumerated powers or authorities.
 - F. **Employer Identification Number (EIN).** Required of taxpayer filing Special (Occupational) Tax returns under 27 CFR § 479.35.
 - G. **Special (Occupational) Tax.** Required by the NFA to be paid by a Federal firearms licensee engaged in the business of manufacturing (Class 2), importing (Class 1), or dealing (Class 3) in NFA firearms.
 - H. **Federal Firearms License.** A license issued under the provisions of the GCA to manufacture, import or deal in firearms.
 - I. **ATF Officer.** An officer or employee of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) authorized to perform any function relating to the administration of the NFA.
 - J. **Make.** The term "make", and the various derivatives of such word, shall include manufacturing (other than by one qualified to engage in such business, under the NFA), putting together, altering, any combination of these, or otherwise producing a firearm.
 - K. **Reactivation.** The restoration of a registered unserviceable NFA firearm to a functional condition. This action incurs the making tax liability.
 - L. **Unserviceable Firearm.** One which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to firing condition. An acceptable method of rendering most firearms unserviceable is to fusion weld the chamber closed and fusion weld the barrel solidly to the frame.
 - M. **Maker.** A person applying to make an NFA firearm.
 - N. **Prohibited Person.** Generally, 18 U.S.C. § 922 (g) prohibits the shipment, transportation, receipt, or possession in or affecting interstate commerce of a firearm by one who: has been convicted of a misdemeanor or crime of domestic violence; has been convicted of a felony, or any other crime, punishable by imprisonment for a term exceeding one year (this does not include State misdemeanor's punishable by imprisonment of two years or less); is a fugitive from justice, is an unlawful user of, or addicted to, marijuana or any depressant, stimulant, or narcotic drug; or any other controlled substance; has been adjudicated as a mental defective or has been committed to a mental institution; has been discharged from the Armed Forces under dishonorable conditions, has renounced his or her U.S. citizenship; is an alien illegally in the United States or an alien admitted to the United States under a nonimmigrant visa; or is subject to certain restraining orders. Furthermore, Section 922(n) prohibits the shipment, transportation, or receipt in or affecting interstate commerce of a firearm by one who is under indictment or information for a felony in any Federal, State or local court, or any other crime, punishable by imprisonment for a term exceeding one year. An information is a formal accusation of a crime verified by a prosecutor.

EXCEPTION: A person who has been convicted of a felony, or any other crime, for which the judge could have imprisoned the person for more than one year, or who had been convicted of a misdemeanor crime of domestic violence, is not prohibited from purchasing, receiving, or possessing a firearm if: (1) under the law of the jurisdiction where the conviction occurred, the person has been pardoned, the conviction has been expunged or set aside, or the person has had their civil rights (the right to vote, sit on a jury, and hold public office) taken away and later restored AND (2) the person is not prohibited by the law of the jurisdiction where the conviction occurred from receiving or possessing firearms. Persons subject to this exception should mark "no" in the applicable box.

Definitions/Instructions (Continued)

O. Adjudicated As a Mental Defective. A determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease: (1) is a danger to himself or to others; or (2) lacks the mental capacity to contract or manage his own affairs. This term shall include: (1) a finding of insanity by a court in a criminal case; and (2) those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility.

P. Committed to a Mental Institution. A formal commitment of a person to a mental institution by a court, board, commission, or other lawful authority. The term includes a commitment to a mental institution involuntarily. The term includes commitments for other reasons, such as for drug use. The term does not include a person in a mental institution for observation or a voluntary admission to a mental institution.

EXCEPTION NICS Improvement Amendments Act of 2007: A person who has been adjudicated as a mental defective or committed to a mental institution in a State proceeding is not prohibited by the adjudication or commitment if the person has been granted relief by the adjudicating/committing State pursuant to a qualifying mental health relief from disabilities program. Also, a person who has been adjudicated as a mental defective or committed to a mental institution by a department or agency of the Federal Government is not prohibited by the adjudication or commitment if either: (a) the person's adjudication or commitment was set aside or expunged by the adjudicating/committing agency; (b) the person has been fully released or discharged from all mandatory treatment, supervision, or monitoring by the agency; (c) the person was found by the agency to no longer suffer from the mental health condition that served as the basis of the initial adjudication/commitment; or (d) the adjudication or commitment, respectively is based solely on a medical finding of disability, without an opportunity for a hearing by a court, board, commission, or other lawful authority, and the person has not been adjudicated as a mental defective consistent with section 922(g)(4) of title 18, United States Code; or (e) the person was granted relief from the adjudicating/committing agency pursuant to a qualified mental health relief from disabilities program. Persons who fall within one of the above exceptions should mark "No" in the applicable box. This exception to an adjudication or commitment by a Federal department or agency does not apply to any person who was adjudicated to be not guilty by reason of insanity, or based on a lack of mental responsibility, or found incompetent to stand trial, in any criminal case or under the Uniform Code of Military Justice.

Q. Restraining Order. Under 18 U.S.C. § 922, firearms may not be sold to or received by persons subject to a court order that: (A) was issued after a hearing which the person received actual notice of and had an opportunity to participate in; (B) restrains such person from harassing, stalking, or threatening an intimate partner or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury. An "intimate partner" of a person is: the spouse or former spouse of the person, the parent of a child of the person, or an individual who cohabitates or has cohabitated with the person.

R. Misdemeanor Crime of Domestic Violence. A Federal, State, local, Tribal offense that is a misdemeanor under Federal, State, or Tribal law and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with, or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim, or by a person who has a current or recent former dating relationship with the victim (as defined in 18 U.S.C. § 921(a)(37)). The term includes all misdemeanors that have as an element the use or attempted use of physical force or the threatened use of a deadly weapon (e.g., assault and battery), if the offense is committed by one of the defined parties. (See Exception in the definition of "Prohibited Person"). A person who has been convicted of a misdemeanor crime of domestic violence also is not prohibited unless: (1) the person was represented by a lawyer or gave up the right to a lawyer; or (2) if the person was entitled to a jury, was tried by a jury, or gave up the right to a jury trial. Persons subject to this exception should mark "no" in the applicable box.

S. Alien Admitted to the United States Under a Nonimmigrant Visa. An alien admitted to the United States under a nonimmigrant visa includes, among others, persons visiting the United States temporarily for business or pleasure, persons studying in the United States who maintain a residence abroad, and certain temporary foreign workers. These aliens must answer "Yes" to question 11.d.1 and provide the additional documentation required under question 11.d.2. Permanent resident aliens and aliens legally admitted to the United States pursuant to either the Visa Waiver Program or to regulations otherwise exempting them from visa requirements may answer "No" to this question and are not required to submit the additional documentation under 11.d.2. An alien admitted to the United States under a nonimmigrant visa is not prohibited from purchasing, receiving, or possessing a firearm if the alien: (1) is in possession of a hunting license or permit lawfully issued by the Federal Government, a State, or local government, or an Indian tribe federally recognized by the Bureau of Indian Affairs, which is valid and unexpired; (2) was admitted to the United States for lawful hunting or sporting purposes; (3) is an official representative of a foreign government who is accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; (4) is an official representative of a foreign government who is en route to or from another country to which that alien is accredited; (5) is an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; (6) is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business; (7) has received a waiver from the prohibition from the Attorney General of the United States.

T. Fugitives from Justice. Any person who has fled from any State to avoid prosecution for a felony or a misdemeanor, or any person who leaves the State to avoid giving testimony in any criminal proceeding. The term also includes any person who knows that misdemeanor or felony charges are pending against such person and who leaves the State of prosecution.

2. Preparation of Application and Payment of Tax.

A. Authority. As provided by 26 U.S.C. § 5822, any person (*other than a qualified manufacturer of firearms (see paragraph b)*) seeking to make a firearm must submit, in duplicate, a separate application on this form for each firearm. The applicant maker must furnish all the information called for, except as noted by instructions within, on this application form. Please note that the form now contains a 3rd (CLEO) copy of the form for use in compliance with instruction 2g and item 10 of the form.

B. Registration by Qualified Manufacturer. A person who has a Federal firearms license to manufacture firearms (*Type 07 or 10*) and who has paid Special (*Occupational*) Tax to manufacture NFA firearms is exempt from the making tax and filing of the ATF Form 1 application. Such qualified manufacturer must report and register each NFA firearm manufactured by filing ATF Form 2, Notice of Firearms Manufactured or Imported, as required by 27 CFR § 479.103.

C. Payment of/Exemption from Payment of Tax. As provided in 26 U.S.C. § 5821, there is a tax on each firearm made. The reactivation of a registered unserviceable firearm is also subject to the making tax under this provision.

Title 26 U.S.C. §§ 5852 and 5853 exempts the making tax when an NFA firearm may be made without payment of the tax when made by, or on behalf of the United States or any State or political subdivision thereof. Documentation that the firearm is being made for a government entity, such as a United States contract or a State or local government agency purchase order, must accompany the application.

Title 26 U.S.C. §§ 7801, 7805 authorizes the Attorney General to exempt tax under the National Firearms Act in limited circumstances. This exemption applies when the Attorney General authorizes a tax exemption to individuals for the making of specific NFA firearms by ruling, regulation, or other notice. Documentation must be provided that the firearm listed on the ATF Form 1 falls within the parameters of the Attorney General authorization.

D. Completion of Form (Note: Type 03 licensee must follow individual instructions)

- (1) The applicant shall provide the applicant's full legal name to include middle and mailing address in item 3b. If a post office box address is used, the physical address shall be entered in item 3c. If the applicant is a trust or legal entity, show only the complete name of the trust or legal entity and do not include any individual names (such as names of trustees or corporate officials). The address shall be the location within the particular State where the firearm will be maintained for a trust or legal entity. In the case of two or more locations for a legal entity, the address shown shall be the principal place of business within the particular State (or principal office, in the case of a corporation).
- (2) If the applicant is an individual, the entire Form 1 shall be completed except for items 18 and 19. In addition, the applicant must include his or her fingerprints on FBI Form FD-258 and his or her photographs (see instruction 2g).
- (3) If the applicant meets the definition of a Responsible Person for a legal entity (see definition 1.e.), see 2.d.5. for Responsible Person Requirements. Individuals must complete items 11-17 and sign the Certification Statement.
- (4) Documentation of entity existence: (a) If the applicant is other than an individual, the applicant must attach documentation evidencing the existence and validity of the entity, which includes complete and unredacted copies of partnership agreements, articles of incorporation, corporate registration, declarations of trust with any trust schedules, attachments, exhibits, and enclosures. (b) If the applicant entity has had an application approved as a maker or transferee within the preceding 24 months of the date of filing this application, and there has been no change to the documentation evidencing the existence and validity of the entity previously provided, the entity may provide a certification that the information has not been changed since the prior approval and shall identify the application for which the documentation had been submitted by form number, serial number, and date approved.

Note: An entity licensed under the Gun Control Act (GCA) that does not pay the Special (Occupational) Tax (SOT) must submit documentation of entity existence as required in the above paragraph 27 CFR § 479.63(b)(2)(ii).

- (5) If the applicant is other than an individual, each Responsible Person (see definition 1e) for the trust or legal entity must include a completed ATF Form 5320.23, National Firearms Act (NFA) Responsible Person Questionnaire, with the submitted Form 1.

Note: Each Responsible Person of an entity licensed under the Gun Control Act (GCA) that does not pay the Special (Occupational) Tax (SOT) must submit ATF Form 5320.23 with the application as instructed in the above paragraph 27.CFR § 479.63(b)(2)(ii).

- (6) Item 18 (Method of Payment) is obscured on the ATF copy 2 (Registrant) and the CLEO copy. In addition, item 4g (serial number) is obscured on the CLEO copy. These fields do not require completion on these copies.

- E. Photograph and Fingerprints and Photograph.** An individual applicant or Responsible Persons of a legal entity applicant must: (1) attach to item 15 of the ATF Form 1, a 2 inch x 2 inch photograph of the frontal view of the transferee taken within 1 year prior to the date of the application and (2) submit two properly completed FBI Forms FD-258 (Fingerprint Card with blue lines) with the application. The fingerprints must be clear for accurate classification and taken by someone properly equipped to take them.

Note: Each Responsible Person of an entity licensed under the Gun Control Act (GCA) that does not pay the Special (Occupational) Tax (SOT) must submit fingerprints and photographs with the application as instructed in the above paragraph 27 CFR § 479.63(b)(2)(iii)(iv).

- F. Social Security and UPIN.** The Social Security number and UPIN are not required. However, this information assists with the efficient completion of

the NICS background check. Please be aware that refusal to provide this information may result in a delay in the NICS background check process.

- G. Signatures.** All signatures required on ATF Form 1 must be original in ink on both copies. **Exceptions:** In the case of eforms on where a variance has been granted a Digital/Electronic signature may be used.

- (1) if the applicant is an individual, the applicant shall sign the form;
- (2) if the applicant is a trust or legal entity, a responsible person of the trust or legal entity shall sign the form;
- (3) if the applicant is a Federal firearms licensee, a responsible person of the Federal firearms licensee shall sign the form; or
- (4) if the applicant is a government entity, a person who has a authority to sign for the entity shall sign the form.

- H. Law Enforcement Notification.** The applicant must provide a copy of the Form 1 to the Chief Law Enforcement Officer (CLEO) who has jurisdiction over the area of the applicant's address shown in item 3b of the Form 1. In addition, if the applicant is other than an individual, a copy of the Form 5320.23, National Firearms Act (NFA) Responsible Person Questionnaire, for each Responsible Person must be provided to their respective Chief Law Enforcement Officer. The Chief Law Enforcement Officer is considered to be the Chief of Police; the Sheriff; the Head of the State Police; or a State or local district attorney or prosecutor.

- I. Remittance.** If the application is subject to the \$200 making tax, please complete item 20 of the ATF Form 1. Please note that you may pay the tax by credit/debit card, check, or money order. The check or money order is to be made payable to ATF. **Do not send cash.**

- J. Photocopies, Computer Generated Versions or Download Version.** The form may be copied or downloaded (for example, from the ATF website (www.atf.gov)). The form does not have to be printed front to back.

- K. Description of Firearm and Markings.** (1) Item 4a. If you are modifying an existing firearm, enter the name and location of the original manufacturer. If you are creating the firearm, enter the Maker's name, city and State. (2) Item 4b. The types of NFA firearms are listed in the definitions; (3) Item 4c. Specify one caliber or gauge. If there is another designation, indicate the designation in item 4h. (4) Item 4d. Show the model designation (if known). (5) Item 4e and 4f. Specify one barrel length and overall length in items 4e and 4f as applicable. Note: if the firearm has a folding or collapsible stock, the overall measurement is to be made with the stock extended. (6) Item 4g. Do not alter or modify the serial number of an existing firearm. Enter the existing serial number or, if a new firearm, one you create. (7) Markings: The maker is required to mark the firearm with the Maker's name, City and State as shown in item 3b. All markings are to be in compliance with 27 CFR §§ 478.92 and 479.102. Do not alter or modify the serial number of an existing firearm. Enter the existing serial number, or if a new firearm, one you create. The Maker may not duplicate any serial number placed by the Maker on any other firearm. See 27 CFR § 479.102.

- L. State or Local Permit.** If a State or local permit or license is required before the making of the firearm, a copy of the permit or license must be submitted with the application. If the applicant is a trust or legal entity, when the State of residence or any Responsible Person requires a State or local permit or license, a copy of the permit or license must be submitted with Form 5320.23, National Firearms Act (NFA) Responsible Person Questionnaire.

- M. Compliance with explosives laws (18 U.S.C. Chapter 40) and regulations (27 CFR Part 555).** If the application is for a Destructive Device utilizing explosive materials, check the Explosives box in item 4.j and provide the type(s) of explosives to be used. If the applicant is other than a government agency, item 5 must be completed with an explosives license or permit number issued to the applicant. If the applicant is other than an individual, such as a legal entity, and does not have an explosives license or permit, then a Responsible Person for the applicant must have a license or permit and enter the information in item 5. To comply with the explosives laws and regulations, any member of a legal entity must also be identified as a Responsible Person or Employee Possessor on the explosives license or permit. A trust cannot be issued an explosives license or permit.

- N. **Submission.** The Maker shall submit 2 complete forms (*ATF copy and registrant copy*) with original signatures to the NFA Division at the address on the face of the form. The applicant shall direct a 3rd complete copy of the form to the Chief Local Law Enforcement Officer (*CLEO*) as provided in instruction 2g and item 10.
3. **Approval of Application.** Upon approval of an application, the NFA Division will affix the NFA tax stamp (*if any*) to the application, cancel it, and return the approved copy to the Maker. The approval of the application effectuates registration of the firearm to the Maker; however, the firearm must not be made until the applicant has been approved.
4. **Withdrawal of Application.** The Maker may withdraw the application prior to approval by the submission of a signed, written request to the Chief, NFA Division either by mail to National Firearms Act Division, National Service Center, 244 Needy Road, Martinsburg, WV 25405 or by emailing a signed copy to nfafax@atf.gov. The NFA Division will arrange for a refund of any tax paid.
5. **Cancellation of Approved Application.** An approved application may be cancelled only if the firearm had not been made or modified. The Maker must return the approved application with original tax stamp affixed with a written request for cancellation, citing the need and that the making of the firearm did not take place. The NFA Division will arrange for a refund of any tax paid.
6. **Disapproval of Application.** If the application is disapproved, the NFA Division will note the reason for disapproval on the application and return one copy to the Maker. The NFA Division will arrange for a refund of any tax paid.
7. **Reason for Disapproval.** 26 U.S.C. § 5822 provides that applications shall be denied if the making or possession of the firearm would place the Maker in violation of law.
- a. **Violation of Law.** Applications shall be denied if the making or possession of the firearm would place the person making the firearm in violation of law.¹
- b. **Machineguns.** 18 U.S.C. § 922 (o) provides that a machinegun may be made only for government use or export. An application will be denied unless the making meets these criteria.
- c. **Persons Prohibited from Making a Firearm.** The application will be disapproved if the Maker is a person prohibited from possessing a firearm. For information regarding persons prohibited from possessing a firearm, refer to definitions 1n through 1t.
8. **Inquiries.** Information relating to the NFA and other firearms laws is available at the ATF Internet website at www.atf.gov. Any inquiry relating to the status of an application to transfer an NFA firearm or about procedures in general should be directed to the NFA Division at (304) 616-4500 or emailed to NFA@ATF.GOV. Please be aware that any dissemination by ATF of information relating to the application to register an NFA firearm must conform with the restrictions in 26 U.S.C. § 6103.
9. **Penalties.** Any person who violates or fails to comply with any of the requirements of the NFA shall, upon conviction, be fined not more than \$10,000 or be imprisoned for not more than 10 years, or both. Any firearm involved in a violation of the NFA shall be subject to seizure and forfeiture. It is unlawful for any person to make or cause the making of a false entry on any application or record required by the NFA knowing such entry to be false.
10. **Compliance with the Gun Control Act.** Person must also comply with all relevant portions of the GCA.

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Control
Number: 2024610201

Reasons For Disapproval

CA STATE LAW REFUND IN PROGRESS.

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GARY R SANCHEZ
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FILED
Sep 06 2024
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY s/ danielmartinez DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

GARY R SANCHEZ)
)
Plaintiff,)
)
vs.)
)
ROB BONTA, in his official capacity)
as Attorney General of the State of)
California)
)
Defendant.)

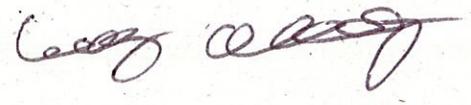
Case No.: 3:24-cv-00767-RSH-MSB
NOTICE OF APPEAL
Judge: Hon. Robert S. Huie
Action Filed: 06/24/2024

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PLEASE TAKE NOTICE that Plaintiff-Appellant Gary R Sanchez, hereby appeals to the United States Court of Appeals for the Ninth Circuit from this Court's Order, Dated August 28, 2024, and Judgement entered August 28, 2024 (ECF Nos. 17, 18).

Dated this 4th day of September, 2024

By Gary R Sanchez



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTHERN CALIFORNIA

**Form 1. Notice of Appeal from a Judgment or Order of a
United States District Court**

U.S. District Court case number: 3:24-cv-00767-RSH-MSB

Notice is hereby given that the appellant(s) listed below hereby appeal(s) to the United States Court of Appeals for the Ninth Circuit.

Date case was first filed in U.S. District Court: 06/24/2024

Date of judgment or order you are appealing: 08/28/2024

Docket entry number of judgment or order you are appealing: 17,18

Fee paid for appeal? (appeal fees are paid at the U.S. District Court)

Yes No IFP was granted by U.S. District Court

List all Appellants (List each party filing the appeal. Do not use "et al." or other abbreviations.)

Gary R Sanchez

Is this a cross-appeal? Yes No

If yes, what is the first appeal case number?

Was there a previous appeal in this case? Yes No

If yes, what is the prior appeal case number?

Your mailing address (if pro se):

5941 Rio Valle Dr

City: Bonsall State: CA Zip Code: 92003

Prisoner Inmate or A Number (if applicable):

Signature  Date 09/04/2024

Complete and file with the attached representation statement in the U.S. District Court

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Form 6. Representation Statement

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form06instructions.pdf>

Appellant(s) (List *each* party filing the appeal, do not use "et al." or other abbreviations.)

Name(s) of party/parties:

Gary R Sanchez

Name(s) of counsel (if any):

Address:

Telephone number(s):

Email(s):

Is counsel registered for Electronic Filing in the 9th Circuit? Yes No

Appellee(s) (List *only the names of parties and counsel who will oppose you on appeal. List separately represented parties separately.*)

Name(s) of party/parties:

Rob Bonta, in his official capacity as Attorney General of the State of California

Name(s) of counsel (if any):

Kevin L. Quade

Address: 1300 I Street, Suite 125, Sacramento, CA, 94244

Telephone number(s): 916-210-7693

Email(s): Kevin.Quade@doj.ca.gov

To list additional parties and/or counsel, use next page.

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

5947 Via Valle Dr
Bonhall, CA 92003

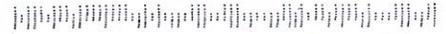
SAN DIEGO, CA 92101

SEP 06 2024 PM 3



Clerk of the Court
United States District Court
Southern District of California
333 West Broadway, suite 420
San Diego, CA 92101

92101-380620



APPEAL,CLOSED

U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:24-cv-00767-RSH-MSB

Sanchez v. Bonta
Assigned to: District Judge Robert S. Huie
Referred to: Magistrate Judge Michael S. Berg
Case in other court: USCA, 24-05566
Cause: 42:1983bv Bivens Non-Prisoner

Date Filed: 04/29/2024
Date Terminated: 08/28/2024
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**Gary R Sanchez**

represented by **Gary R Sanchez**
5941 Rio Valle Dr
Bonsall, CA 92003
(323) 979-2905
PRO SE

V.

Defendant

Rob Bonta
*in his official capacity as Attorney General
of the State of California*

represented by **Kevin Lee Quade**
California Attorney General's Office
1300 I Street
Suite 125
Sacramento, CA 94244-2550
916-210-7693
Email: kevin.quade@doj.ca.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/29/2024	<u>1</u>	COMPLAINT against Rob Bonta (Filing fee \$ 405 receipt number 153102.), filed by Gary R Sanchez. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit A, # <u>3</u> Receipt) The new case number is 3:24-cv-767-JAH-MSB. Judge John A. Houston and Magistrate Judge Michael S. Berg are assigned to the case. (Sanchez, Gary R)(ggv) (sjt). (Entered: 04/30/2024)
04/30/2024	<u>2</u>	Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. Summons has been provided to plaintiffs not receiving notice electronically. (ggv) (Entered: 04/30/2024)
04/30/2024	<u>3</u>	Amended Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. Summons will be mailed to

SER-040

		plaintiffs not receiving notice electronically. (ggv) (sjt). (Entered: 04/30/2024)
05/01/2024	4	MINUTE ORDER OF RECUSAL. Judge John A. Houston is no longer assigned. Case reassigned to District Judge Robert S. Huie for all further proceedings. The new case number is 24cv00767-RSH-MSB.(All non-registered users served via U.S. Mail Service)(no document attached)(bdc). (sjt). (Entered: 05/01/2024)
05/15/2024	5	NOTICE of Appearance by Kevin Lee Quade on behalf of Rob Bonta (Quade, Kevin)Attorney Kevin Lee Quade added to party Rob Bonta(pty:dft) (alns). (Entered: 05/15/2024)
05/15/2024	6	Ex Parte MOTION for Extension of Time to File Response/Reply <i>to Complaint</i> by Rob Bonta. (Attachments: # 1 Declaration of Kevin L. Quade, # 2 Proposed Order, # 3 Certificate of Service)(Quade, Kevin) (alns). (Entered: 05/15/2024)
05/15/2024	7	RESPONSE in Opposition re 6 Ex Parte MOTION for Extension of Time to File Response/Reply <i>to Complaint</i> filed by Gary R Sanchez. (alns) (Entered: 05/15/2024)
05/15/2024	8	MINUTE ORDER by District Judge Robert S. Huie: For good cause, the Court GRANTS Defendants 6 ex parte motion to extend time. Defendant shall respond to the Complaint 1 no later than 6/24/2024. (All non-registered users served via U.S. Mail Service)(no document attached) (alns) (Entered: 05/15/2024)
05/16/2024	9	SUMMONS Returned Executed by Gary R Sanchez. Rob Bonta served. (alns) (Entered: 05/20/2024)
05/20/2024	10	CERTIFICATE OF SERVICE by Gary R Sanchez (alns) (Entered: 05/21/2024)
06/24/2024	11	MOTION to Dismiss for Failure to State a Claim by Rob Bonta. (Attachments: # 1 Memo of Points and Authorities, # 2 Proof of Service)(Quade, Kevin) (alns). (Entered: 06/24/2024)
06/26/2024	12	NOTICE (<i>Joint</i>) of the Parties' Availability for Any Hearing on Defendant's Motion to Dismiss by Rob Bonta (Quade, Kevin) (alns). (Entered: 06/26/2024)
06/28/2024	13	RESPONSE in Opposition re 11 MOTION to Dismiss for Failure to State a Claim filed by Gary R Sanchez. (Attachments: # 1 Exhibit A, # 2 Mailing Envelope)(rx) (exs). (Entered: 07/01/2024)
07/08/2024	14	CERTIFICATE OF SERVICE by Gary R Sanchez re 13 Response in Opposition to Motion (dim) (Entered: 07/09/2024)
07/19/2024	15	REPLY to Response to Motion re 11 MOTION to Dismiss for Failure to State a Claim filed by Rob Bonta. (Quade, Kevin) (alns). (Entered: 07/19/2024)
08/09/2024	16	NOTICE OF SUPPLEMENTAL AUTHORITY by Rob Bonta (Quade, Kevin) (alns). (Entered: 08/09/2024)
08/28/2024	17	Order Granting Defendants Motion to Dismiss 11 Motion to Dismiss for Failure to State a Claim. Signed by District Judge Robert S. Huie on 08/28/2024. (All non-registered users served via U.S. Mail Service)(stn) (sjt). (Entered: 08/28/2024)
08/28/2024	18	CLERK'S JUDGMENT. IT IS SO ORDERED AND ADJUDGED The Court GRANTS Defendants motion to dismiss. The Complaint is DISMISSED without leave to amend, the case is hereby closed.(All non-registered users served via U.S. Mail Service)(stn) (sjt). (Entered: 08/28/2024)

09/06/2024	19	NOTICE OF APPEAL to the 9th Circuit as to 18 Clerk's Judgment by Gary R Sanchez. (Filing fee \$ 605, Receipt No. 155945) (Notice of Appeal electronically transmitted to US Court of Appeals.) (Attachments: # 1 Receipt)(All non-registered users served via U.S. Mail Service)(dim) (Entered: 09/11/2024)
09/12/2024	20	USCA Case Number 24-5566 for 19 Notice of Appeal to 9th Circuit, filed by Gary R Sanchez. (Attachments: # 1 Attorney Appeal Case Opening, # 2 Pro- Se Appeals Case Opening, # 3 Ninth Circuit Lawyer Mentoring Program)(All non-registered users served via U.S. Mail Service)(dim) (Entered: 09/12/2024)
09/12/2024	21	USCA Time Schedule Order as to 19 Notice of Appeal to 9th Circuit, filed by Gary R Sanchez. (NOTICE TO PARTIES of deadlines regarding appellate transcripts: Appellant shall file transcript designation and ordering form with the US District Court, provide a copy of the form to the court reporter, and make payment arrangements with the court reporter on or by 10/7/2024 (see Ninth Circuit Rule 10-3.1); Due date for filing of transcripts in US District Court is 11/6/2024.) (cc: Court Reporter). (All non-registered users served via U.S. Mail Service)(dim) (Entered: 09/12/2024)

PACER Service Center			
Transaction Receipt			
11/20/2024 10:13:44			
PACER Login:	kevinquade	Client Code:	
Description:	Docket Report	Search Criteria:	3:24-cv-00767-RSH-MSB
Billable Pages:	3	Cost:	0.30

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 15. Certificate of Service for Electronic Filing

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form15instructions.pdf>

9th Cir. Case Number(s)

I hereby certify that I electronically filed the foregoing/attached document(s) on this date with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the Appellate Electronic Filing system.

Service on Case Participants Who Are Registered for Electronic Filing:

I certify that I served the foregoing/attached document(s) via email to all registered case participants on this date because it is a sealed filing or is submitted as an original petition or other original proceeding and therefore cannot be served via the Appellate Electronic Filing system.

Service on Case Participants Who Are NOT Registered for Electronic Filing:

I certify that I served the foregoing/attached document(s) on this date by hand delivery, mail, third party commercial carrier for delivery within 3 calendar days, or, having obtained prior consent, by email to the following unregistered case participants (*list each name and mailing/email address*):

Gary R Sanchez
5941 Rio Valle Dr.
Bonsall, CA 92003

Description of Document(s) (*required for all documents*):

Appellee's Supplemental Excerpts of Record

Signature **Date**

(use "s/[typed name]" to sign electronically-filed documents)

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov