

ROB BONTA
Attorney General

State of California
DEPARTMENT OF JUSTICE



300 SOUTH SPRING STREET, SUITE 1702
LOS ANGELES, CA 90013-1230

Public: (213) 269-6000
Telephone: (213) 269-6138
E-Mail: Mica.Moore@doj.ca.gov

April 23, 2026

By Electronic Filing
Hon. Scott S. Harris
Supreme Court of the United States
1 First Street, NE
Washington DC 20543

RE: *Virginia Duncan, et al. v. Rob Bonta, Attorney General of California*, No. 25-198
Order Granting Rehearing En Banc in *United States v. Benson*

Dear Mr. Harris:

This office represents respondent Rob Bonta, the Attorney General of California, in this matter. The Attorney General writes to notify the Court of the D.C. Court of Appeals' order in *United States v. Benson*, No. 23-CF-0514 (Apr. 22, 2026). The order grants the District of Columbia's petition for rehearing en banc, and vacates the panel's opinion holding that the District's prohibition on firearm magazines holding more than ten rounds violates the Second Amendment. *See* 2026 WL 628772 (D.C. Mar. 5, 2026); Pet. Supp. Br. 1. A copy of the order is attached.

The Attorney General would appreciate it if you could circulate this letter to members of the Court.

Sincerely,

/s/ Mica L. Moore

Mica L. Moore
Deputy Solicitor General

For ROB BONTA
Attorney General

Attachment.

cc: Erin E. Murphy, Counsel for Petitioners

**District of Columbia
Court of Appeals**

No. 23-CF-0514

TYREE BENSON,

Appellant,

v.

UNITED STATES,

Appellee,

and

DISTRICT OF COLUMBIA,

Intervenor-Appellee.



2022-CF2-005996

BEFORE: Blackburne-Rigsby, Chief Judge, and Beckwith, Easterly, McLeese, Deahl, Howard, and Shanker, Associate Judges.

ORDER

On consideration of intervenor-appellee District of Columbia's petition for rehearing en banc; and it appearing that a majority of the judges of this court has voted to grant the petition for rehearing en banc, it is

ORDERED that intervenor-appellee District of Columbia's petition for rehearing en banc is granted and the opinion and judgment of March 5, 2026, are hereby vacated. It is

FURTHER ORDERED that the Clerk shall schedule this matter for argument before the court sitting en banc as soon as the calendar permits. Oral argument time shall not exceed 45 minutes per side. It is

No. 23-CF-0514

FURTHER ORDERED that appellant shall file a brief within 30 days from the date of this order; appellee and intervenor-appellee shall file responsive briefs within 30 days after filing of appellant's opening brief; and any reply brief shall be filed within 21 days thereafter. Any amicus brief shall be filed within 7 days of the opening brief of the party it supports. These new briefs shall be specifically designed for consideration by and addressed to the en banc court and shall supersede all briefs previously filed in this appeal. The parties should focus their briefs on the following issues:

- (1) Whether the District's ban on firearm magazines capable of holding "more than 10 rounds of ammunition" violates the Second Amendment, either facially or as applied, and, if so, which of appellant's convictions should be reversed as a result of that constitutional infirmity; and
- (2) Whether the District's licensing and registration requirements violate the Second Amendment.

PER CURIAM

Copies e-served to:

Chrisellen R. Kolb, Esquire
Assistant United States Attorney

Katherine M. Kelly, Esquire
Assistant United States Attorney

Eric Hansford, Esquire
Assistant United States Attorney

Jaclyn S. Frankfurt, Esquire
Public Defender Service

Alice Wang, Esquire
Public Defender Service

No. 23-CF-0514

Caroline Van Zile, Esquire
Solicitor General - DC

Thais-Lyn Trayer, Esquire
Deputy Solicitor General - DC

Marcella Coburn, Esquire
Assistant Attorney General – DC

Erik P. Frederickson, Esquire

Shankar Duraiswamy, Esquire