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June 30, 2022

## VIA ELECTRONIC FILING

Patricia S. Dodszuweit  
Clerk of Court  
United States Court of Appeals for the Third Circuit  
21400 U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106

RE: *Lara v. Commissioner Pennsylvania State Police*, No. 21-1832 (3d Cir.)

Dear Ms. Dodszuweit,

Pursuant to Federal Rule of Appellate Procedure 28(j), Plaintiffs-Appellants notify the Court of the Supreme Court's decision in *New York State Rifle & Pistol Association, Inc. v. Bruen*, pending which the Court has held this appeal C.A.V. *See* Order, Doc. 53 (Jan. 4, 2022).

In *Bruen*, the Supreme Court invalidated a New York statute restricting public carriage of firearms. 597 U.S. \_\_\_ (2022), slip op. at 1–2; 30. *Bruen* rejected “the two step test that Courts of Appeals have developed to assess Second Amendment claims,” holding its precedent did “not support applying means-end scrutiny in the Second Amendment context.” *Id.* at 9–10. Instead, when a law restricting Second Amendment activity is challenged, the burden falls squarely on the government to “affirmatively prove that its firearms regulation is part of the historical tradition that delimits the outer bounds of the right to keep and bear arms.” *Id.* at 10.

Here, Plaintiffs-Appellants challenge Pennsylvania's restrictions on 18-to-20-year-olds transporting and carrying firearms for self-defense. *Bruen* establishes, as Plaintiffs argued, *see* Br. 12–21; Reply Br. 7–10, that such activity is squarely protected by the Second Amendment, *Bruen*, slip op. at 1 (“[T]he Second and Fourteenth Amendments protect an individual's right to carry a handgun for self-defense outside the home.”). The State has not carried its burden in proving that the State's restrictions as to 18-to-20-year-olds are analogous to any historical restrictions. Rather, the historical record shows just the opposite; 18-to-20-year-olds are protected by the Second Amendment to the same degree as other adults. Br. 21–36; Reply Br. 10–17; *see also Jones v. Bonta*, 34 F.4th 704, 720–23 (9th Cir. 2022). The challenged provisions of Pennsylvania law unconstitutionally infringe Plaintiffs-Appellants' rights and this Court should order entry of judgment for them or, at a minimum, reverse the district court's order of dismissal and remand

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with instructions to enter a preliminary injunction. *Cf. Moore v. Madigan*, 702 F.3d 933, 942 (7th Cir. 2012) (ordering entry of judgment for plaintiffs on appeal of order dismissing case).

Sincerely,

/s/ David H. Thompson

David H. Thompson

Attorney for Plaintiffs-Appellants

**CERTIFICATE OF SERVICE**

I hereby certify that on June 30, 2022, I electronically filed the foregoing with the Clerk of the Court by using the appellate CM/ECF system. I certify that the participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ David H. Thompson  
DAVID H. THOMPSON  
Attorney for Plaintiffs-Appellants