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March 18, 2024

Nwamaka Anowi, Clerk  
United States Court of Appeals for the Fourth Circuit  
Lewis F. Powell, Jr. United States Courthouse Annex  
1100 East Main Street, Suite 501  
Richmond, Virginia 23219-3517

Re: Rule 28(j) letter, *Dominic Bianchi v. Anthony G. Brown et al.*,  
No. 21-1255

Dear Madam Clerk:

I write to bring to the Court's attention the decision of the United States District Court for the Central District of California in *Rupp v. Bonta*, 8:17-cv-00746-JLS-JDE (C.D. Cal. March 15, 2023), rejecting a Second Amendment challenge to California's law restricting possession of assault rifles. A copy of the opinion is attached hereto.

First, the court ruled that the plaintiffs had failed to meet their burden of showing that the firearms covered by California's law were "in common use" for self-defense. Slip op. at 31. The court concluded that statistics showing the number of assault weapons owned and surveys based on the subjective intentions of gun owners were insufficient to make the required showing. Slip op. at 17, n.7. The court ruled that the undisputed facts showed that "assault rifles are dangerous and unusual" and therefore "not protected by the Second Amendment." Slip op. at 32.

Second, the court alternatively concluded that California's law was consistent with the history and tradition of firearms regulation in the United States under the standard set forth in *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022). Slip op. at 51-63.

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The decision in *Rupp* confirms that the restrictions challenged here are constitutional and that this Court should affirm.

Respectfully submitted,

/s/

Robert A. Scott  
Assistant Attorney General

cc: All Counsel of Record