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May 12, 2023

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Via Appellate ECF

Molly C. Dwyer, Clerk of the Court
Office of the Clerk
U.S. Court of Appeals for the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119-3939

Re: Roger Palmer, et al. v. Joseph M. Lombardo, et al.
Case No.: 22-15645
Letter Pursuant to Fed. R. App. P. 28(j)

Oral Argument: May 9, 2023, 9:30 a.m.
The James R. Browning Courthouse
Courtroom 3, 3rd Floor

Before: Chief Judge Mary H. Murguia
Circuit Judge Michelle T. Friedland
Circuit Judge Mark J. Bennett

Dear Ms. Dwyer:

Defendants-Appellees submit this letter pursuant to Federal Rule of Appellate Procedure 28(j) to bring the following authorities to this Court's attention.

During oral argument, the Court inquired whether federal law allows marking unserialized firearms assembled from kits. Several federal regulations permit or require licensees to mark such firearms. 27 C.F.R. §§ 478.92(a)(2), (4)(iii)(D), 478.125(i); *see also id.* § 478.11 (defining “[g]unsmith” in part as a person who “plac[es] marks of identification on privately made firearms in accordance with [27 C.F.R. part 478]”); Definition of “Frame or

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Receiver” and Identification of Firearms, 87 Fed. Reg. 24,652, 24,653 (Apr. 26, 2022) (codified at 27 C.F.R. parts 447–49) (explaining that the regulatory definition of “gunsmith” was revised “to include persons who engage in the business of identifying firearms for non-licensees, thus ensuring greater access to professional marking services for [privately made firearms]”).¹

Sincerely,

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By: /s/ Kiel B. Ireland
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¹ Federal law defines a “privately made firearm” as a “firearm, including a frame or receiver, completed, assembled, or otherwise produced by a person other than a licensed manufacturer, and without a serial number placed by a licensed manufacturer at the time the firearm was produced.” 27 C.F.R. § 478.11.

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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General and that on 12th May 2023, I served a copy of the foregoing DEFENDANTS-APPELLEES' LETTER PURSUANT TO FED. R. APP. P. 28(j), by Ninth Circuit ECF electronic filing to:

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/s/ Susan Messina
SUSAN MESSINA
An Employee of the State of Nevada