

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

CCO-177-E

No. 24-2395, 24-2436, 24-2591 & 24-2602

JULIO SUAREZ; DANIEL BINDERUP; DANIEL MILLER; FIREARMS POLICY  
COALITION, INC.; SECOND AMENDMENT FOUNDATION

v.

COMMISSIONER PENNSYLVANIA STATE POLICE,  
Appellant in 24-2395

JULIO SUAREZ; DANIEL BINDERUP; DANIEL MILLER; FIREARMS POLICY  
COALITION, INC.; SECOND AMENDMENT FOUNDATION,  
Appellants in 24-2436 and 24-2602

TAYLOR BROWN; SHAWN PALMER; MAX NESS;  
SECOND AMENDMENT FOUNDATION,  
Appellant in 24-2591

(M.D. Pa. Nos. 1:21-cv-00710 and 1:24-cv-01015)

Present: KRAUSE and FREEMAN, Circuit Judges

1. Motion by Appellees/Cross-Appellants Julio Suarez, Daniel Binderup, Daniel Miller, Firearms Policy Coalition, Inc., Second Amendment Foundation, Appellants Taylor Brown, Shawn Palmer, Max Ness and Second Amendment Foundation to Lift Stay and Vacate the District Court Stay or in the Alternative, Expedite the Appeals.
2. Motion by Appellant/Appellee Commissioner Pennsylvania State Police to Hold the Appeals C.A.V. Pending this Court's Decision in *Koons v. Attorney General of New Jersey* and Response to Motion to Lift Stay or in the Alternative Motion to Expedite.
3. Reply to Response by Appellees/Cross-Appellants Julio Suarez, Daniel Binderup, Daniel Miller, Firearms Policy Coalition, Inc., Second Amendment Foundation, Appellants Taylor Brown, Shawn Palmer, Max Ness and Second Amendment Foundation to Motion to Lift Stay or in the Alternative Motion to Expedite.

4. Response by Appellees/Cross-Appellants Julio Suarez, Daniel Binderup, Daniel Miller, Firearms Policy Coalition, Inc., Second Amendment Foundation, Appellants Taylor Brown, Shawn Palmer, Max Ness and Second Amendment Foundation to Motion to Hold the Appeals C.A.V.
5. Reply by Appellant/Appellee Commissioner Pennsylvania State Police to Response to Motion to Hold the Appeals C.A.V.

Respectfully,  
Clerk/kr

---

ORDER

---

On July 24, 2024, the District Court enjoined enforcement of the portion of 18 Pa. Cons. Stat. § 6106 that prohibits unlicensed carry of a firearm in a vehicle. *Suarez v. Paris*, No. 1:21-CV-710 (M.D. Pa.), ECF No. 62. It did so relying on this Court's then-extant decision in *Lara v. Comm'r Pennsylvania State Police*, 91 F.4th 122 (3d Cir. 2024). ECF No. 61 at 33-35 & n.24. However, the Supreme Court recently granted a petition for a writ of certiorari, vacated our judgment in *Lara*, and remanded that matter for further proceedings in light of *United States v. Rahimi*, 144 S. Ct. 1889 (2024). *Paris, Comm'r, Pa State Police v. Lara*, No. 24-93, 2024 WL 4486348 (U.S. Oct. 15, 2024). Because of the Supreme Court's vacatur of our *Lara* decision—and for the reasons stated by the District Court, ECF No. 81—Commissioner Paris has a reasonable possibility of prevailing on appeal. Moreover, the District Court did not abuse its discretion in considering the balancing of equities and the public interest. Therefore, the motion to lift the District Court's stay order or expedite the appeals is DENIED.

The motion to hold the appeals C.A.V. pending this Court's decision in *Koons v. Attorney General of New Jersey*, Nos. 23-1900 & 23-2043, is GRANTED.

By the Court,

s/Arianna J. Freeman  
Circuit Judge

Dated: October 23, 2024

kr/cc: Joshua Prince, Esq.  
Daniel B. Mullen, Esq.