IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

State of Texas, et al.,
Plaintiffs-Appellees,

v.

Bureau of Alcohol, Tobacco, Firearms, and Explosives, et al.
Defendants-Appellants.

No. 24-10612

CONSENT MOTION TO VOLUNTARILY DISMISS APPEAL

Pursuant to Federal Rule of Appellate Procedure 42(b), the government respectfully moves to voluntarily dismiss this appeal, with all parties to bear their own costs. Plaintiffs consent to this motion.

As discussed in the government's motions to hold this case in abeyance, the Bureau of Alcohol, Tobacco, Firearms, and Explosives "plans to revisit" the rule at issue in this case and "revis[e] the guidelines for determining who is considered 'engaged in the business' of selling firearms." Dkt. No. 178, at 2 (citation omitted). A notice of proposed rulemaking addressing the same subject matter as the challenged rule is forthcoming. In light of the forthcoming NPRM, the government has determined that it is not appropriate to continue this appeal.

Respectfully submitted,

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April 2026

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) because it contains 124 words, according to the count of Microsoft Word.

/s/ Steven H. Hazel
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