

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

OCT 11 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

VIRGINIA DUNCAN; PATRICK
LOVETTE; DAVID MARGUGLIO;
CHRISTOPHER WADDELL;
CALIFORNIA RIFLE & PISTOL
ASSOCIATION, INC., a California
corporation,

Plaintiffs-Appellees,

v.

ROB BONTA, in his official capacity as
Attorney General of the State of California,

Defendant-Appellant.

No. 23-55805

D.C. No.

3:17-cv-01017-BEN-JLB

Southern District of California,
San Diego

ORDER

Before: MURGUIA, Chief Judge, and S.R. THOMAS, GRABER, WARDLAW,
PAEZ, BERZON, IKUTA, HURWITZ, R. NELSON, BUMATAY and
VANDYKE, Circuit Judges.

The parties shall adhere to the Time Schedule Order (Doc. 1) issued on
September 25, 2023.

In addition to addressing the merits, the parties shall address whether the en
banc panel that heard and determined appeal No. 19-55376 has statutory authority
under 28 U.S.C. § 46(c) to decide this appeal, including: (1) when a case or
controversy in the courts of appeals may be heard and determined, or reheard and
determined, by the en banc court rather than by a three-judge panel; and (2) when
senior judges may participate in an en banc decision.

En banc oral argument will take place during the week of March 18, 2024, in San Francisco, California. The date and time will be determined by separate order.