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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA
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13 **JANE ROE #1, et al,**

14 Plaintiffs,

15 v.

16 **UNITED STATES OF AMERICA, et al,**

17 Defendants.
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Case No. 1:19-cv-00270-LHR-BAM

**DEFENDANT CALIFORNIA
ATTORNEY GENERAL ROB BONTA'S
RESPONSE TO PLAINTIFFS'
SUPPLEMENTAL BRIEF**

Judge: Hon. Lee H. Rosenthal
Action Filed: February 25, 2019
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1 enactment of laws banning the possession of guns by categories of persons thought by the
2 legislature to present a special danger of misuse” *Id.* at 1901. Justice Gorsuch also noted
3 that the Court did not “resolve whether the government may disarm an individual permanently”
4 or “decide . . . whether the government may disarm a person without a judicial finding that he
5 poses a ‘credible threat’ to another’s physical safety.” *Id.* at 1909-10 (Gorsuch, J., concurring).

6 Plaintiffs next argue that the restoration procedures under California and federal law are
7 invalid because *Rahimi* allegedly disallowed a “‘responsible person’ test.” Pls.’ Suppl. Br. at p. 7.
8 As an initial matter, Plaintiffs have never challenged the constitutionality of California’s
9 restoration law—California Welfare and Institution Code section 8103(g)(4).² In any case,
10 *Rahimi* never discussed a “responsible person test” in the context of restoration. In rejecting the
11 government’s contention that *Rahimi* could be disarmed solely because he was not “responsible,”
12 the Supreme Court merely stated that “[r]esponsible’ [was] a vague term” and clarified that its
13 decisions in *District of Columbia v. Heller*, 554 U.S. 570 (2008), and *Bruen* “said nothing about
14 the status of citizens who were not ‘responsible’” because the “question was simply not
15 presented.” 144 S. Ct. at 1903. Thus, *Rahimi* has no impact on California’s restoration process
16 nor does *Rahimi* say anything about restoration of Second Amendment rights.

17 Finally, Plaintiffs go even further and broadly request that the Court “[d]eclare California’s
18 mental health adjudication laws that impact Second Amendment rights to be unconstitutional.”
19 Pls.’ Suppl. Br. at p. 8. There is no support for such a request. Not only is this the first time such
20 a broad request has been made, but it is also undisputed that Plaintiff’s Second Amendment
21 claims are not directed at any specific California law. Even then, Plaintiffs have not presented
22 any arguments or come even close to “establish[ing] that no set of circumstances exists under
23 which the [statutes] would be valid” in order to support such a facial challenge. *Rahimi*, 144 S.
24 Ct. at 1898 (quoting *United States v. Solerno*, 481 U.S. 739, 745 (1987)). In short, Plaintiffs
25 provide no basis for adding this new and broad request for relief at this stage of the case.

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27 _____
28 ² At most, Plaintiffs improperly raised a due process challenge to California Welfare and
Institutions Code section 5256.6. *See* Pls.’ MSJ at 7; Cal. Att’y Gen.’s Opp. to Pls.’ MSJ and
Cross-Mot. for Summ. J., ECF No. 81 at pp. 11-12.

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CONCLUSION

There is no dispute that Plaintiffs’ Second Amendment claims are only directed to the Federal Defendants, and, thus *Rahimi* does not directly impact any of the claims against the California Attorney General. Accordingly, the Court should grant the California Attorney General’s cross-motion for summary judgment for the reasons stated in that motion.

Dated: August 14, 2024

Respectfully submitted,

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/s/ Jerry T. Yen

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CERTIFICATE OF SERVICE

Case Name: **Jane Roe #1, et al. v. United
States of America, et al.**

No. **1:19-cv-00270-NODJ-BAM**

I hereby certify that on August 14, 2024, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

DEFENDANT CALIFORNIA ATTORNEY GENERAL ROB BONTA'S RESPONSE TO PLAINTIFFS' SUPPLEMENTAL BRIEF

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on August 14, 2024, at Sacramento, California.

Ksenia Lavrushchak
Declarant

/s/ Ksenia Lavrushchak
Signature