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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER J. HOFFMAN, et al.,  
Plaintiffs,  
v.  
ROB BONTA, in his official capacity as  
Attorney General of California,  
Defendant.

Case No.: 3:24-cv-664-CAB-MMP

**ORDER:**

- (1) GRANTING MOTION FOR SUMMARY JUDGMENT IN PART;**
- (2) DENYING CROSS-MOTION FOR SUMMARY JUDGMENT IN PART**

[Doc. Nos. 17, 18]

The sole issue in this case is whether the Constitution requires California to allow nonresidents to apply for a concealed carry weapons (CCW) license. Plaintiffs, who are not California residents, complain that they are prohibited from carrying a firearm for self-defense when they visit California. For standard two-year licenses, California imposes a residency requirement. Cal. Penal Code § 26155(a)(3). An applicant who has his or her principal place of business or employment within the local permitting jurisdiction may receive a 90-day license. *See* Cal. Penal Code §§ 26150(a)(3), 26220(b). Unlike some states, California does not have a reciprocity policy for CCW licenses. *See* Colo. Rev. Stat.

1 § 18–12–213(1) (providing reciprocity and recognition of CCW licenses, but only for states  
2 that recognize Colorado’s license).

3 Plaintiffs bring a facial challenge to both California laws as offending the Second  
4 and Fourteenth Amendments pursuant to Section 1983. They also argue that the existing  
5 regulatory framework infringes on their rights under the Privileges and Immunities Clause.  
6 Plaintiffs seek injunctive relief, declaratory relief, and costs and fees. *See Ybarra v. Reno*  
7 *Thunderbird Mobile Home Vill.*, 723 F.2d 675, 681 (9th Cir. 1984) (“Because jurisdiction  
8 has been established under § 1983, the separate remedy of declaratory judgment is  
9 available.”)

10 Individual Plaintiffs are residents of Pennsylvania, Idaho, and New Mexico.  
11 [Hoffman Decl., Doc. No. 17-2 ¶ 2; Orrin Decl., Doc. No. 17-3 ¶ 2; Sensiba Decl., Doc.  
12 No. 17-4 ¶ 2.] Each Plaintiff maintains membership in the Firearms Policy Coalition,  
13 which is incorporated in Delaware with a primary place of business in Nevada. All  
14 individual Plaintiffs maintain validly issued concealed carry licenses issued by another  
15 state. [See, e.g., Sensiba Decl. ¶¶ 2–3.]

16 Individual Plaintiffs desire to carry a firearm in public for self-defense when they  
17 visit California—and would do so if California allowed them to. [Hoffman Decl. ¶¶ 6–7;  
18 Orrin Decl. ¶¶ 5–6; Sensiba Decl. ¶¶ 4–5.] Each would apply for a CCW license if  
19 California provided them the opportunity. [Hoffman Decl. ¶¶ 6–7; Orrin Decl. ¶¶ 5–6;  
20 Sensiba Decl. ¶¶ 4–5.]

21 For example, Plaintiff Hoffman is a California native who held a CCW license issued  
22 by the San Diego County Sheriff’s Office from 1990 until he moved out of state in 2012.  
23 [Hoffman Decl. ¶ 4.] In 2023, he attempted to obtain a CCW license but was denied  
24 because of the residency requirement. [*Id.*] Plaintiff Hoffman intends to travel to San  
25 Diego County in the future to visit friends and family but cannot legally carry a firearm  
26 when doing so. [*Id.*] The other individual Plaintiffs have attested to similar facts. [See  
27 Sensiba Decl. ¶ 4 (“I have refrained from pursuing certain work assignments that would  
28

1 have required travel to California because I would not be able to carry a firearm for self-  
2 defense[.]”).

3 Plaintiffs filed a motion for summary judgment to which the State responded with a  
4 cross-motion for summary judgment.<sup>1</sup>

### 5 I. LEGAL STANDARD

6 The Court must grant summary judgment when “the movant shows that there is no  
7 genuine dispute as to any material fact and the movant is entitled to judgment as a matter  
8 of law.” Fed. R. Civ. P. 56(a); *see also Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986).  
9 A fact is material only if it could affect the outcome of the case under governing law.  
10 *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). A factual dispute is “genuine”  
11 when it could “lead a rational trier of fact to find for the non-moving party[.]” *Matsushita*  
12 *Elec. Indus. Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986). “Where, as here,  
13 the opposing party will have the burden of proof at trial, the moving party need only point  
14 out ‘that there is an absence of evidence to support the nonmoving party’s case.’” *Olivier*  
15 *v. Baca*, 913 F.3d 852, 857 (9th Cir. 2019) (quoting *Celotex*, 477 U.S. at 325).

16 “[W]hen parties submit cross-motions for summary judgment, each motion must be  
17 considered on its own merits.” *Fair Hous. Council of Riverside Cnty., Inc. v. Riverside*  
18 *Two*, 249 F.3d 1132, 1136 (9th Cir. 2001) (quotation marks omitted). “In fulfilling its duty  
19 to review each cross-motion separately, the court must review the evidence submitted in  
20 support of each cross-motion.” *Id.*

### 21 II. BRUEN ANALYSIS

22 The Court first addresses Plaintiffs’ Second Amendment/Fourteenth Amendment  
23 claim. The Second Amendment “guarantee[s] the individual right to possess and carry  
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25 <sup>1</sup> The State has not challenged individual or organizational standing in this case. Individual Plaintiffs  
26 allege a continuing injury of a legally protected interest. *Lujan v. Defenders of Wildlife*, 504 U.S. 555,  
27 560 (1992). As an organization, the Firearms Policy Coalition also has standing in this case based on the  
28 same identified constitutional injury. *See Smith v. Pacific Properties and Development Corp.*, 358 F.3d  
1097, 1101 (9th Cir. 2004) (organizational standing turns on “whether the organization itself has suffered  
an injury in fact”).

1 weapons in case of confrontation.” *D.C. v. Heller*, 554 U.S. 570, 592 (2008). This right  
2 has been incorporated to the States by means of the Fourteenth Amendment. *McDonald v.*  
3 *City of Chicago, Ill.*, 561 U.S. 742, 778 (2010). Courts treat the Second Amendment the  
4 same as other enumerated constitutional rights. *New York State Rifle & Pistol Ass’n, Inc.*  
5 *v. Bruen*, 597 U.S. 1, 24 (2022). A facial challenge, which Plaintiffs assert, is the “most  
6 difficult challenge to mount successfully,” because it requires a plaintiff to “establish that  
7 no set of circumstances exists under which the [challenged law] would be valid.” *United*  
8 *States v. Rahimi*, 602 U.S. 680, 693 (2024) (quoting *United States v. Salerno*, 481 U.S.  
9 739, 745 (1987)).

10 Under the approach set forth in *Bruen*, the Court begins its analysis by asking a  
11 straightforward question: whether the conduct at issue falls within the plain text of the  
12 Second Amendment. If the challenged regulation clears this first step, the State bears the  
13 burden to “justify its regulation” by demonstrating that it is consistent with the Nation’s  
14 historical tradition of firearm regulation. *Rahimi*, 602 U.S. at 691 (quoting *Bruen*, 597 U.S.  
15 at 24).

16 **A. *Bruen* Step One**

17 Plaintiffs have the initial burden to demonstrate that they are “part of the people  
18 whom the Second Amendment protects, whether [any] weapon at issue is in common use  
19 today for self-defense, and whether the proposed course of conduct falls within the Second  
20 Amendment.” *United States v. Alaniz*, 69 F.4th 1124, 1128 (9th Cir. 2023) (quotation  
21 marks omitted) (citing *Bruen*, 597 U.S. at 31–33).

22 It is the Court’s role to identify and delineate the specific course of conduct at issue.  
23 In *Bruen*, this conduct was “carrying handguns publicly for self-defense.” *Bruen*, 597 U.S.  
24 at 32. The Supreme Court in *Bruen* already conducted a textual analysis of the words  
25 “bear” and “keep” to determine that the conduct of publicly carrying a firearm fell within  
26 the language of the Second Amendment. *See id.* at 32–33. The conduct at issue here—  
27 carrying firearms in public for self-defense—is no different. *See id.* As nonresidents,  
28 Plaintiffs are prohibited from engaging in that conduct by state law. *See* Cal. Penal Code

1 §§ 25400, 26150, 26155. *Bruen* made clear that the text of the Second Amendment does  
2 not create a “home/public distinction with respect to the right to keep and bear arms.” 597  
3 U.S. at 32.

4 The State argues in their cross-motion for summary judgment that Plaintiffs have  
5 not met their burden because the plain text of the Second Amendment does not mandate  
6 that a traveler be allowed to use another state’s license to carry in California. [Doc. No. 18  
7 at 15.] In effect, they argue that nonresidents do not qualify as “the people.” The Supreme  
8 Court has not interpreted “the people” so narrowly. *See Heller*, 554 U.S. at 580 (the people  
9 “unambiguously refers to all members of the political community, not an unspecified  
10 subset.”). Nor has the Ninth Circuit. *See, e.g., United States v. Perez-Garcia*, 96 F.4th  
11 1166, 1178–80 (9th Cir. 2024) (pretrial releasees were part of “the people” because they  
12 “remain members of the national community”); *see United States v. Duarte*, 137 F.4th 743,  
13 752–54 (9th Cir. 2025) (en banc) (explaining that individuals with felonies still qualify as  
14 “the people” for purposes of the Second Amendment because they are “undoubtedly a  
15 member of the national community”). Indeed, it is beyond debate that the individual  
16 Plaintiffs are “people” living in the United States. [*See, e.g., Sensiba Decl.* ¶ 2.]

17 Like *Bruen*, there is no actual factual dispute about whether Plaintiffs are (or  
18 represent) “ordinary, law-abiding, adult citizens”—“the people” whom the Second  
19 Amendment protects. *Bruen*, 597 U.S. at 31–32. But the State asserts that a facial  
20 challenge must nevertheless fail because potential out-of-state applicants, such as those  
21 convicted of violent felonies, could be barred from applying for a CCW license. To be  
22 clear: Plaintiffs do not challenge any licensing provision applying to felons. Their lawsuit  
23 is limited entirely to permitting nonresidents access to the first step: to apply and be  
24 considered on equal footing to resident applicants. Any potential relief does not implicate  
25 the hypothetical adjudication of an applicant’s felony status or some other challenge to  
26 “law-abiding” status. *See Washington State Grange v. Washington State Republican Party*,  
27 552 U.S. 442, 450 (2008) (courts “must be careful not to go beyond . . . facial requirements  
28 and speculate about . . . ‘imaginary’ cases.”).

1 The Court resolves *Bruen*'s first step in Plaintiffs' favor.

2 ***B. Bruen Step Two***

3 "When the Second Amendment's plain text covers an individual's conduct, the  
4 Constitution presumptively protects that conduct." *Bruen*, 597 U.S. at 24. The burden now  
5 shifts to the State to show that its complete ban on nonresident carry is "consistent with  
6 this Nation's historical tradition of firearm regulation." *Id.* at 34. "[W]hen the Government  
7 regulates arms-bearing conduct, as when the Government regulates other constitutional  
8 rights, it bears the burden to 'justify its regulation.'" *Rahimi*, 602 U.S. at 691.

9 This part of the *Bruen* second step places the Court in the position of a historian. *See*  
10 *Rahimi*, 602 U.S. at 744 n.2 (Jackson, J., concurring). Where the regulatory tradition starts,  
11 we are instructed, is (generally) the Founding era. *See Bruen*, 597 U.S. at 34. Where the  
12 tradition ends may be a more difficult question. But the Supreme Court has placed  
13 considerable weight on the views of the ratifiers of the Fourteenth Amendment, *see*  
14 *McDonald*, 561 U.S. at 778, and the Ninth Circuit has followed. *See, e.g., Wolford v.*  
15 *Lopez*, 116 F.4th 959, 980, 987–89 (9th Cir. 2024). The Court may also "consider pre-and  
16 post-ratification history to the extent that it does not contravene founding-era evidence."  
17 *Duarte*, 137 F.4th at 755. At this second step, the State can meet its burden by offering  
18 persuasive legal history pointing to analogues from the historical record. *See Bruen*, 597  
19 U.S. at 30.

20 The Court starts by recognizing our founding principle of federalism and the  
21 corresponding deference given to state police powers.<sup>2</sup> *See Holmes v. Jennison*, 39 U.S.  
22 540, 568 (1840) ("the ordinary police powers of the states" are "necessary to their very  
23 existence"). The Supreme Court reiterated these core principles in *McDonald*, stressing  
24 that the Second Amendment "by no means eliminates" a state's "ability to devise solutions

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27 <sup>2</sup> "The States' core police powers have always included authority to define criminal law and to protect the  
28 health, safety, and welfare of their citizens." *Gonzales v. Raich*, 545 U.S. 1, 42 (2005) (O'Connor, J.,  
dissenting) (citing cases). An examination of history and tradition should recognize and give due weight  
to California's unique regulatory history.

1 to social problems that suit local needs and values.” 561 U.S. at 785. Recognizing that  
2 “conditions and problems differ from locality to locality[,]” *id.* at 783, the Court explained  
3 that “[s]tate and local experimentation with reasonable firearms regulations” could  
4 continue “under the Second Amendment.” *Id.* at 785 (alteration in original). In the seminal  
5 case of the history/tradition era, the Court held without reservation that the Second  
6 Amendment right is “not unlimited,” but that the states possess “a variety of tools” to  
7 combat gun-related violence. *Heller*, 554 U.S. at 626, 636.

8 To be a “proper analogue[,]” laws must be “relevantly similar” based on “how and  
9 why the regulations burden a law-abiding citizen’s right to armed self-defense.” *Bruen*,  
10 597 U.S. at 28, 29. The burden on the Second Amendment must be “comparable.” *Id.* at  
11 29. The analogues must be “broadly in effect” at the appropriate time period. *Baird v.*  
12 *Bonta*, 81 F.4th 1036, 1040–41 (9th Cir. 2023). The Supreme Court’s most recent firearms  
13 opinion is instructive. The Court looked to laws that were “[w]ell entrenched in the  
14 common law” at the Founding. *See Rahimi*, 602 U.S. at 693–95.

15 California provides historical analogues relating to various “locality-based licensing  
16 laws” from the mid-19th century. Dr. Robert Spitzer, one of the State’s experts, offers that  
17 licensing statutes in the nineteenth century “tailor[ed] prohibitions to address public-safety  
18 threats” posed by firearms. [Spitzer Decl. ¶¶ 27–28; ¶¶ 30–49.] He provides examples of  
19 Reconstruction era licensing laws regulating the practice of concealed carry. [*Id.* ¶¶ 30,  
20 31.] These licensing laws went back to the colonies. [Spitzer Decl. ¶ 22.] Nine colonies  
21 or states had such laws on the books in the 1700s, and lawmakers in at least 32 states  
22 enacted licensing requirements as a prerequisite for carrying or owning weapons during  
23 the 1700s and 1800s. [*Id.*] There is no question that the Reconstruction period is rife with  
24 examples of state and municipal regulations designed to control individual possession of  
25 weapons. [*See, e.g., Vorenberg Decl.* ¶¶ 27–33, 34.]

26 The problem for the State is not the licensing laws themselves: Plaintiffs do not seek  
27 California’s licensing scheme stricken in its entirety. Instead, the State must provide a  
28 historical analogue for licensing laws that did not allow nonresidents to apply. For that

1 category of restriction, the State provides a series of state laws from the early 1900s that  
2 appear to impose residency requirements on licenses. [See Spitzer Decl. ¶¶ 76–78.]  
3 Ignoring that these laws do not date to the Founding or Ratification Era, many laws from  
4 the same period explicitly allowed nonresidents to apply. [Spitzer Decl. ¶¶ 71–72.]

5 Earlier laws identified by the State also appear to support the Plaintiffs’ position.  
6 For example, Connecticut in 1642 barred the sale of guns to those outside its jurisdiction  
7 unless the person possessed a license from a court or magistrate, without an explicit pre-  
8 application ban for nonresidents. [Spitzer Decl. ¶ 55.] The historical record also contains  
9 laws that provided “traveler exceptions” to carry laws. Sacramento law in 1876, cited by  
10 the State, specifically excepted “travelers” from a firearms licensing requirement that  
11 applied to residents. [Rivas Decl. ¶ 41]; Ordinance no. 84, Charter and Ordinances of the  
12 City of Sacramento, Prohibiting the Carrying of Concealed Deadly Weapons (1876).<sup>3</sup>

13 Moreover, some historical restrictions offered by the State regulated the carry of  
14 “concealed” or “hidden” weapons—but *forced* the open carry of weapons—limiting their  
15 applicability. [See Rivas Decl. ¶¶ 19 (acknowledging that late-19th-century regulations  
16 required the carry “in full open view”); 21 (citing 1801 Tennessee law that required  
17 weapons “appear in full open view,” and acknowledging that most carry restrictions  
18 applied to concealed carry).] The State also provides examples of laws that prevented  
19 licensure of Native Americans. These laws have little present application when viewed  
20 with an expanded conception of rights-bearing persons. A similar deficiency constrains  
21 the Founding Era laws (from New Jersey and North Carolina) that barred nonresidents  
22 from hunting within their borders. [Spitzer Decl. ¶¶ 69–70.] Unlike the California law at  
23 issue in this case, the identified laws restricted only the activity of hunting, not bearing  
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26 <sup>3</sup> The City of San Diego appears to have passed a similar provision exempting travelers from licensing  
27 requirements, then defined as those individuals who “may be actually making a journey at the time.” See  
28 Ordinance Number 19—An Ordinance for the Prevention of Offenses Against the Peace, Good Order and  
Health of the City of San Diego, §§ 2, 3, 39, & 41, Board of Trustees of the City of San Diego (June 14,  
1886 - January 24, 1887).

1 arms in general. *Bruen*, 597 U.S. at 29 (historical laws should “impose a comparable  
2 burden” or be “comparably justified”).

3 The State argues that the Court may extract a general principle that relevant  
4 regulations limited licenses to “acceptable” persons. [Doc. No. 18 at 12.] But weighed  
5 against the guidance that a historical regulation must be “comparably justified,” California  
6 cannot meet its burden with its proffered analogues. The State cannot point to a single law  
7 from the Founding or framing tradition that wholesale blocked nonresidents from  
8 participating in a general firearms licensing scheme. As the Ninth Circuit has explained,  
9 *Bruen* and *Heller* have “imposed a challenging burden on the government where the  
10 regulation in question addressed an issue that has existed since the Founding, had not been  
11 affected by a technological change, and did not concern a uniquely modern problem.”  
12 *Wolford*, 116 F.4th at 978.

13 Opening the application process to nonresidents does not limit California’s ability  
14 to regulate who receives a CCW license based on other measured parameters.  
15 Nonresidents are simply afforded the same chance guaranteed to residents to exercise their  
16 Second Amendment rights. In reaching this conclusion, the Court agrees with its sister  
17 court in the Central District that the challenged statutory framework’s exclusion of  
18 nonresidents violates the Second Amendment.<sup>4</sup> Although prompted by Plaintiffs in the  
19 briefing, the State offers no response to the persuasive reasoning in that case.

20 This case has no bearing on whether California can regulate certain firearms or  
21 Circuit-defined accessories. *See Duncan v. Bonta*, 133 F.4th 852, 867 (9th Cir. 2025). Nor  
22 has the Court decided any issue related to the open carry of firearms—which California  
23 generally restricts, even for its residents. *See Cal. Penal Code § 26350*. This Court  
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26 <sup>4</sup> The plaintiffs in that case, individuals and associational plaintiffs, brought an as-applied challenge to the  
27 same statutes. The district judge found the same statutes unconstitutional as applied to plaintiffs even  
28 though the court applied “heightened” scrutiny over their claims pursuant to a preliminary injunction  
standard. *California Rifle & Pistol Ass’n, Inc. v. Los Angeles Cnty. Sheriff’s Dep’t*, 745 F. Supp. 3d 1037,  
1063 (C.D. Cal. 2024).

1 confronts the relatively straightforward question of whether a fundamental right protected  
2 by the Constitution stops at state lines. Nothing in this order should be construed to  
3 mandate that California provide the exact same requirements for a CCW license for  
4 residents and nonresidents—the historical record may well contravene such a proposition.  
5 [Spitzer Decl. ¶ 69 (identifying an 1899 Wyoming measure that imposed a fee forty times  
6 higher on nonresidents for a gun license).] Overburdening nonresidents in the application  
7 process may violate Plaintiffs’ Second Amendment rights, but parity is not necessarily  
8 required. *See Nguyen v. Bonta*, No. 24-2036, 2025 WL 1718079 (9th Cir. 2025)  
9 (explaining that the Second Amendment prohibits “meaningful constraints” on the right to  
10 acquire firearms).

11 “[T]he Second Amendment permits more than just those regulations identical to  
12 ones that could be found in 1791.” *Rahimi*, 602 U.S. at 691–92. The regulations  
13 challenged by Plaintiff are not in that permissible category. No reasonable factual dispute  
14 precludes a decision at this stage. The Court grants Plaintiffs’ motion for summary  
15 judgment as to the declaratory action proceeding under the Fourteenth and Second  
16 Amendments.<sup>5</sup> The provisions barring nonresidents from applying for CCW licenses  
17 violate the Constitution.

### 18 **III. INJUNCTIVE RELIEF**

19 As part of their motion for summary judgment, Plaintiffs have sought an injunction.  
20 An injunction “is an extraordinary remedy never awarded as a matter of right.” *See Winter*  
21 *v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008). Given that questions of law  
22 predominate over this case, the Court may grant an injunction without a hearing. *See Int’l*  
23 *Molders’ & Allied Workers’ Loc. Union No. 164 v. Nelson*, 799 F.2d 547, 555 (9th Cir.

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27 <sup>5</sup> “Strictly speaking, [California] is bound to respect the right to keep and bear arms because of the  
28 Fourteenth Amendment, not the Second.” *Bruen*, 597 U.S. at 37. But enumerated individual rights made  
applicable through ratification have the same scope as against the federal government. *See id.*

1 1986). The Court’s *Bruen* analysis makes clear that Plaintiffs have succeeded on the merits  
2 of this case.

3 A Plaintiff must satisfy the following four-factor test for injunctive relief: (1) the  
4 plaintiff must suffer irreparable injury; (2) legal remedies are inadequate; (3) an equitable  
5 remedy is warranted in light of the balance of hardships between the parties; and (4) a  
6 permanent injunction would not disserve the public interest. *Monsanto Co. v. Geertson*  
7 *Seed Farms*, 561 U.S. 139, 156–57 (2010) (citing *eBay Inc. v. MercExchange, L.L.C.*, 547  
8 U.S. 388, 391 (2006)).

9 As to the first factor, a violation of a fundamental right is sufficient to show  
10 irreparable harm. *Goldie’s Bookstore, Inc. v. Superior Ct. of State of Cal.*, 739 F.2d 466,  
11 472 (9th Cir. 1984). Even a brief violation is sufficient. *Baird*, 81 F.4th at 1040. And it  
12 is generally recognized that there is no adequate remedy at law to rectify a constitutional  
13 injury. *See Edmo v. Corizon, Inc.*, 935 F.3d 757, 798 (9th Cir. 2019).

14 Although California identifies a regulatory burden from potentially tens of thousands  
15 of new applications, [Steradian Decl., Doc. No. 18-3 ¶ 3], the constitutional infringement  
16 pushes the balance of equities in Plaintiffs’ favor. *See Baird*, 81 F.4th at 1044 (a plaintiff  
17 who can show a statute violates the Constitution will also usually show that both public  
18 interest and balance of equities favor an injunction). Finally, the public benefits from the  
19 expanded access—through appropriate state oversight—to a fundamental right. *See*  
20 *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (explaining that “it is always in  
21 the public interest to prevent the violation of a party’s constitutional rights”).

22 Plaintiffs are entitled to injunctive relief.

#### 23 **IV. PRIVILEGES AND IMMUNITIES CLAUSE**

24 Plaintiffs also seek a declaratory judgment as to whether California’s enforcement  
25 of a nonresident ban violates the Privileges and Immunities Clause. U.S. Const., Art. IV,  
26 § 2, cl. 1. There is continuing debate on the scope of the Privileges and Immunities Clause.  
27 *See generally* William Baude, et al., *General Law and the Fourteenth Amendment*, 76 Stan.  
28 L. Rev. 1185, 1205–06 (2024). Some courts have concluded that the Privileges and

1 Immunities Clause has been cabined by precedent to economic rights. *See, e.g., Culp v.*  
2 *Raoul*, 921 F.3d 646, 657 (7th Cir. 2019).

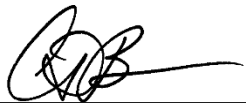
3 Declaratory relief based on the Privileges and Immunities Clause would neither  
4 afford Plaintiffs additional remedies nor serve to clarify the contours of this constitutional  
5 provision. As such, the Court declines to rule on the requested relief. *See Wilton v. Seven*  
6 *Falls Co.*, 515 U.S. 277, 282 (1995) (decision to grant declaratory relief is discretionary).

7 **V. CONCLUSION**

8 For the above reasons, the Court grants Plaintiffs’ motion for summary judgment as  
9 to their facial challenge pursuant to the Second/Fourteenth Amendment and denies the  
10 request for relief pursuant to the Privileges and Immunities Clause. The parties are  
11 **ORDERED** to meet and confer and submit a proposed order for an injunction consistent  
12 with this order within 30 days.

13 It is **SO ORDERED**.

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17 Dated July 1, 2025

  
\_\_\_\_\_  
Hon. Cathy Ann Bencivengo  
United States District Judge