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*Motion to Appear Pro Hac Vice Forthcoming

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DANIELLE JAYMES; PWGG, L.P.;
JOHN PHILLIPS; NATIONAL RIFLE
ASSOCIATION OF AMERICA;
FIREARMS POLICY COALITION,
INC.; and SECOND AMENDMENT
FOUNDATION,

Plaintiffs,

v.

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

Defendants.

Case No.:

**COMPLAINT FOR
DECLARATORY, INJUNCTIVE,
OR OTHER RELIEF**

1 Plaintiffs Danielle Jaymes; PWGG, L.P.; John Phillips; National Rifle
2 Association of America; Firearms Policy Coalition, Inc.; and Second Amendment
3 Foundation, complain of Defendant Rob Bonta, in his official capacity as Attorney
4 General of California, and allege as follows:

5 INTRODUCTION

6 1. The Second Amendment protects law-abiding citizens’ right to
7 possess—and, as an incident, to acquire—weapons that are in common use, including
8 handguns. *See District of Columbia v. Heller*, 554 U.S. 570, 627, 629 (2008).

9 2. Plaintiffs sue to challenge the constitutionality of California Penal Code
10 § 27595(a), which bans the sale or transfer of Glock and Glock-style handguns with
11 cruciform trigger bars. These handguns are in common use; indeed, they are among
12 the most popular firearms in the nation. Yet if § 27595(a) is enforced, Californians
13 will have no practical way to acquire them.

14 3. That is flagrantly unconstitutional. *Heller* itself held that “the handgun
15 [is] the quintessential self-defense weapon” and “the most popular weapon chosen by
16 Americans for self-defense in the home.” 554 U.S. at 629. As such, it necessarily
17 follows that a ban on the sale of a particular type of popular handgun is
18 unconstitutional.

19 4. California already bans many handgun models targeted by this law. This
20 Court has held that these restrictions are likely unconstitutional because these
21 handguns are “in common use.” *Renna v. Bonta*, 667 F. Supp. 3d 1048, 1063 (S.D.
22 Cal. 2023), *appeal pending*, No. 23-55367 (9th Cir.) (discussing the Glock 43 and
23 Glock 17 Gen 5, among other handgun models).

24 5. Undeterred, the State is now *expanding* its ban on “popular handguns
25 designed for self-defense.” *Id.* at 1069. Plaintiffs respectfully request that this Court
26 declare this expansion is no more constitutional than the original ban and enjoin
27 § 27595(a)’s enforcement.
28

1 **PARTIES**

2 6. Plaintiff Danielle Jaymes is a natural person, a citizen of the United
3 States, and a resident of the State of California, residing in San Diego County. Plaintiff
4 Jaymes is not prohibited under state or federal law from possessing, receiving,
5 owning, or purchasing a firearm. Plaintiff Jaymes possesses a valid Certificate of
6 Eligibility, issued by California’s Department of Justice (“DOJ”) Bureau of Firearms.¹
7 Plaintiff Jaymes makes occasional purchases of firearms. But for the laws at issue in
8 this suit and Defendants’ enforcement thereof, Plaintiff Jaymes would, on or after July
9 1, 2026, purchase handguns banned by § 27595(a).

10 7. Plaintiff PWGG, L.P. (“PWG”), doing business as “Poway Weapons &
11 Gear” and “PWG Range,” is a California limited partnership. PWG owns and operates
12 a firearms retailer, shooting range, and training facility in the City of Poway, within
13 San Diego County. PWG is listed as a firearms dealer in California’s DOJ Centralized
14 List of Firearms Dealers and is federally licensed by the Bureau of Alcohol, Tobacco,
15 Firearms and Explosives as a Federal Firearms Licensee. Since opening in 2011,
16 Plaintiff PWG has lawfully sold thousands of handguns with cruciform trigger bars.
17 These handguns are, as discussed below, banned for sale by the laws at issue here. But
18 for its reasonable fear of prosecution and loss of its license under Penal Code §
19 27595(a), Plaintiff PWG would, on or after July 1, 2026, continue selling these
20 handguns. Plaintiff PWG brings this case on behalf of its customers and would-be
21 customers. *See Craig v. Boren*, 429 U.S. 190, 192–97 (1976).

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23
24 ¹ A COE is “a certificate which states that the Department has checked its records and
25 the records available to the Department in the National Instant Criminal Background
26 Check System and determined that the applicant is not prohibited from acquiring or
27 possessing firearms pursuant to Penal Code sections 18205, 29800, 29805, 29815
28 through 29825, and 29900, or Welfare and Institutions Code sections 8100 and 8103,
or Title 18, sections 921 and 922 of the United States Code, or Title 27, Part 478.32
of the Code of Federal Regulations at the time the check was performed and which
ensures that anyone who handles, sells, delivers, or has under their custody or control
any ammunition, is eligible to do so pursuant to Penal Code section 30347.” CAL.
CODE REGS. tit. 11, § 4031(d).

1 8. Plaintiff John Phillips is the president of PWG and an individual licensee
2 associated with PWG in California DOJ's Centralized List of Firearms Dealers.
3 Plaintiff Phillips brings this case on behalf of his customers and would-be customers.

4 9. Plaintiff National Rifle Association of America ("NRA") is a nonprofit
5 membership organization founded in 1871. NRA is America's oldest civil rights
6 organization and foremost defender of Second Amendment rights. It is America's
7 leading provider of firearms marksmanship and safety training for both civilians and
8 law enforcement. NRA has millions of members across the nation, including in
9 California. NRA brings this action on behalf of its members, including those residing
10 in this district, who intend and desire to exercise their Second Amendment rights to
11 purchase handguns banned by § 27595(a). Plaintiffs Jaymes, PWG, and Phillips are
12 all members of the NRA.

13 10. Plaintiff Firearms Policy Coalition, Inc. ("FPC") is a nonprofit
14 membership organization incorporated in Delaware with a primary place of business
15 in Clark County, Nevada. FPC works to create a world of maximal human liberty and
16 freedom and to promote and protect individual liberty, private property, and economic
17 freedoms. It seeks to protect, defend, and advance the People's rights, especially but
18 not limited to the inalienable, fundamental, and individual right to keep and bear arms,
19 and to protect the means by which individuals may exercise the right to carry and use
20 firearms. FPC serves its members and the public through legislative advocacy,
21 grassroots advocacy, litigation and legal efforts, research, education, outreach, and
22 other programs. FPC's members reside both within and outside the State of California.
23 FPC brings this action on behalf of its members, including those residing in this
24 district, who intend and desire to exercise their Second Amendment rights to purchase
25 handguns banned by § 27595(a). Plaintiffs Jaymes, PWG, and Phillips are all members
26 of FPC.

27 11. Plaintiff Second Amendment Foundation ("SAF") is a nonprofit
28 educational foundation incorporated in 1974. SAF's mission is to preserve the

1 individual constitutional right to keep and bear arms through public education,
2 judicial, historical, and economic research, publishing, and legal-action programs
3 focused on the civil right guaranteed by the Second Amendment to the United States
4 Constitution. SAF brings this action on behalf of its members, including those residing
5 in this district, who intend and desire to exercise their Second Amendment rights to
6 purchase handguns banned by § 27595(a). Plaintiffs Jaymes, PWG, and Phillips are
7 all members of SAF.

8 12. Defendant Rob Bonta is the Attorney General of the State of California,
9 and is sued herein in his official capacity. The Attorney General is the “chief law
10 officer of the State” of California and has a duty “to see that the laws of the State are
11 uniformly and adequately enforced.” CAL. CONST. art. V, § 13. The Attorney General
12 is also head of the California DOJ, which enforces state laws related to the sale,
13 transfer, possession, and ownership of firearms, including § 27595(a). The Attorney
14 General maintains an office in San Diego, California.

15 **JURISDICTION AND VENUE**

16 13. This Court has subject-matter jurisdiction under 28 U.S.C. § 1331
17 because Plaintiffs’ claims arise under 42 U.S.C. § 1983. This Court also has subject-
18 matter jurisdiction under 28 U.S.C. § 1343 because Plaintiffs’ claims seek redress for
19 the deprivation, under color of any State law, of rights secured by the Second
20 Amendment to the Constitution.

21 14. Venue is proper under 28 U.S.C. § 1391(b)(2) because California Penal
22 Code § 27595(a) will restrict Plaintiff Jaymes from buying, and Plaintiffs PWG and
23 Phillips from selling, covered weapons in this district.

24 **GENERAL ALLEGATIONS**

25 15. Plaintiffs bring this action to challenge the enforcement of California’s
26 cruciform trigger handgun ban in Assembly Bill 1127, Penal Code § 27595(a), which
27 was signed into law on October 10, 2025.

1 16. Effective July 1, 2026, licensed firearms dealers “shall not sell, offer for
2 sale, exchange, give, transfer, or deliver any semiautomatic machinegun-convertible
3 pistol.” CAL. PENAL CODE § 27595(a).

4 17. While § 27595(a) contains few exemptions not relevant to this
5 challenge,² for ordinary, peaceable Californians, the law effectively closes the door
6 on traditional commercial sales of these firearms.

7 18. Violations may be punished by fine and the suspension or revocation of
8 the offending dealer’s license. *See id.* § 27595(b)(1)–(3).

9 19. Penal Code § 16885(a) defines a “semiautomatic machine-gun
10 convertible pistol” as:

11 [A]ny semiautomatic pistol with a cruciform trigger bar that can be
12 readily converted by hand or with common household tools ... into a
13 machinegun by the installation or attachment of a pistol converter as a
replacement for the slide’s backplate without any additional engineering,
machining, or modification of the pistol’s trigger mechanism.

14 CAL. PENAL CODE § 16885(a).

15 20. Because the paradigmatic handguns that meet California’s definition of
16 a “semiautomatic machine-gun convertible pistol” are manufactured by Glock,
17 Plaintiffs will refer, at times, to the banned firearms as Glocks or Glock-style
18 handguns. For the avoidance of doubt, Plaintiffs challenge the restriction as to *all*
19 semiautomatic pistols with cruciform trigger bars that are banned by California under
20 § 27595(a).

21 21. A pistol converter is a device that can be attached to a pistol which
22 enables the pistol to fire automatically, meaning it will fire more than one round by a
23 single function of the trigger. *See* CAL. PENAL CODE § 17015.

24 ² Specifically, § 27595 exempts from coverage “private party to private party
25 transaction[s] conducted through a licensed firearms dealer,” subd. (c)(3), sales to law
26 enforcement officers or transfers for a few discrete purposes, subd. (c)(9), and permits
27 transfers “to any forensic laboratory or forensic laboratory employee, while on duty
28 and acting within the scope and course of employment,” subd.(c)(8). AB 1127 further
excludes “hammer-fired semiautomatic pistol[s]” as well as “striker-fired
semiautomatic pistol[s] lacking a cruciform trigger bar.” CAL. PENAL CODE §
16885(b).

22. Put differently, a pistol converter is a device that transforms a semiautomatic pistol into a machinegun.

23. Under California law, pistol converters are machineguns. *See* CAL. PENAL CODE § 16880(b). Possession of a pistol converter is accordingly prohibited, *see id.* § 32625(a), and that prohibition is not at issue in this case.

24. This case is about whether California may ban semiautomatic handguns with a cruciform trigger bar, such as Glock and Glock-style handguns.

CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION

VIOLETION OF THE SECOND AND FOURTEENTH AMENDMENTS

(42 U.S.C. § 1983, *Ex parte Young*, 209 U.S. 123 (1908))

25. Plaintiffs incorporate by reference the allegations in paragraphs 1 through 24.

26. The Second Amendment protects “the right of the people to keep and bear Arms.” U.S. CONST. amend. II.

27. This fundamental right is fully applicable to the States through the Fourteenth Amendment. *McDonald v. City of Chicago*, 561 U.S. 742 (2010).

28. Textually, the right to “keep and bear” weapons includes the right to acquire them. *See B&L Prods., Inc. v. Newsom*, 104 F.4th 108, 118 (9th Cir. 2024) (“[U]nless the right to *acquire* firearms receives some Second Amendment protection, the right to keep and bear firearms would be meaningless.”).

29. As *Heller* has made clear, the *only* historical justification that could justify banning the possession of a firearm is that the arm is both “dangerous and unusual.” 554 U.S. at 627 (quotation marks omitted).

30. Arms that are “in common use” are, by definition, neither. *Id.* (quotation marks omitted).

31. Thus, in *Heller*, the Supreme Court held that the Second Amendment “protects the possession and use of weapons that are ‘in common use at the time.’”

1 *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 21 (2022) (quoting *Heller*, 554
2 U.S. at 627)).

3 32. A law that bans the sale of—and correspondingly prevents citizens from
4 acquiring—a weapon in common use violates the Second Amendment.

5 33. Semiautomatic handguns with cruciform trigger bars are not different
6 from *any* other type of semiautomatic handgun in a constitutionally relevant way.

7 34. The Supreme Court has already held that handguns are in common use
8 and cannot be banned. *See Heller*, 554 U.S. at 629 (“[H]andguns are the most popular
9 weapon chosen by Americans for self-defense in the home, and a complete prohibition
10 of their use is invalid.”).

11 35. Semiautomatic handguns, including those with a cruciform trigger bar,
12 therefore, cannot be banned.

13 36. Even considered as their own group (which, under *Heller*, they should
14 not be), the banned handguns are constitutionally protected.

15 37. They are also unquestionably in common use for lawful purposes.

16 38. In fact, they are among the most popular handguns in the nation. *See*,
17 *e.g.*, *How Glock became America’s gun*, CBS NEWS (Sep. 15,
18 2013), <https://perma.cc/J5E8-42UA>.

19 39. According to one source, three Glock handgun models made the top-25
20 for new guns sold in 2024, placing fourth, seventh, and twenty-second. *See* Logan
21 Metesh, *Top Selling New Guns of 2024*, GUNS & AMMO (Jan. 14, 2025),
22 <https://perma.cc/8A5Z-5VQN>.

23 40. ATF has observed that Glocks are “popular for civilian use.” *See*
24 *Definition of “Frame or Receiver” and Identification of Firearms*, 87 Fed. Reg.
25 24652, 24655 (Apr. 26, 2022).

26 41. Government data confirm the popularity of these types of handguns. For
27 example, in 2021, Glock manufactured 581,944 handguns in the United States. *See*
28

1 *Annual Firearms Manufacturing and Export Report* at 13, ATF (2021),
2 <https://perma.cc/T6FB-YCAY>. Of those, just 67,106 were exported. *Id.* at 153.

3 42. It follows that, in 2021 alone, Glock manufactured 514,838 handguns for
4 sale in the United States.

5 43. That is to say nothing of imports. In 2021, 5,263,341 handguns were
6 imported into the United States. *See Firearms Commerce in the United States* at 3,
7 ATF (2024), <https://perma.cc/P689-LX24>.

8 44. Of those, 1,688,941 were imported from Austria, *id.* at 5, where many
9 Glocks are manufactured, *see Glock, Glock Brand*, <https://perma.cc/2UWY-EARR>.

10 45. It is therefore likely that, in 2021 alone, Glock imported hundreds of
11 thousands of handguns for sale in the United States.

12 46. The handguns banned by California under § 27595(a) are widely
13 available for sale throughout the United States.

14 47. To the best of Plaintiffs' knowledge, Massachusetts is the only other
15 State that bans the sale of Glock handguns. *See* 940 MASS. CODE REGS. § 16.05(3);
16 *Enforcement Notice: Attorney General's Handgun Safety Regulation* at 6,
17 COMMONWEALTH OF MASS. OFF. OF ATT'Y GEN., <https://perma.cc/NCB7-FZ2V>.

18 48. Penal Code § 27595(a) bans the sale constitutionally of protected
19 handguns and violates the Second Amendment.

20 49. Defendant's enforcement of § 27595(a) therefore deprives Plaintiffs of
21 rights secured by the Constitution.

22 **PRAYER FOR RELIEF**

23 Plaintiffs respectfully request that this Court:

- 24 1. Declare that Penal Code § 27595(a)'s ban on semiautomatic handguns is
25 unconstitutional under the Second Amendment, both facially and as-
26 applied;
- 27 2. Enjoin enforcement of Penal Code § 27595(a)'s ban on semiautomatic
28 handguns;

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3. Award Plaintiffs the costs of this action and reasonable attorney’s fees pursuant to 42 U.S.C. § 1988; and
4. Award Plaintiffs other legal and equitable relief as is just and appropriate.

Dated: October 13, 2025

BENBROOK LAW GROUP, PC

By s/ Bradley A. Benbrook
BRADLEY A. BENBROOK
Attorneys for Plaintiffs