



U.S. Department of Justice

Civil Rights Division

Assistant Attorney General
950 Pennsylvania Ave, NW - RFK
Washington, DC 20530

April 28, 2026

Via Electronic and Certified Mail

The Honorable Mike Johnston
Mayor of Denver
Denver Mayor's Office
1437 Bannock Street
Denver, Colorado 80202

Michiko Brown, Esq.
Denver City Attorney
201 West Colfax Avenue
Denver, Colorado 80202

Re: Notice of Suit: *United States v. City and County of Denver and Denver Police Department*

Dear Mayor Johnston and Mr. Brown:

As you know, Denv., Colo., Rev. Mun. Code ch. 38, art. IV, § 38-121(c) (the "Ordinance"), makes it a crime to carry, store, keep, manufacture, sell, or otherwise possess a so-called "assault weapon" (as defined in Denv., Colo., Rev. Mun. Code ch. 38, art. IV, § 38-116(1))¹ within the City. The Second Amendment guarantees the right of law-abiding citizens to keep and bear arms for self-defense. *D.C. v. Heller*, 554 U.S. 570, 625 (2008). Arms in common use by law-abiding citizens are protected by the Constitution and may not be categorically banned. *Id.* The Ordinance bans many weapons, including AR-15 style semiautomatic rifles. Law-abiding Americans own and use for lawful purposes literally *tens of millions* of AR-15 style rifles. Indeed, it is the most popular rifle in America. The City has banned an arm in common use for lawful purposes by law-abiding citizens. Therefore, the Ordinance violates the Second Amendment.

This letter is to inform you that as the Assistant Attorney General for the Civil Rights Division, I have authorized the filing of a complaint in federal district court against the City and the Denver Police Department. The complaint will allege that the City's ban on AR-15-style firearms violates its citizens' Second Amendment rights by banning constitutionally protected arms. The United States is authorized to bring such an action by 34 U.S.C. § 12601.

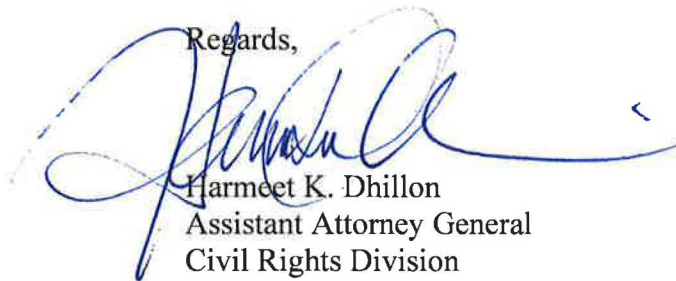
¹ This definition uses politically charged rhetoric. The term "assault weapon" is not a technical term used in the firearms industry. Rather, as Justice Thomas has aptly noted, "assault weapon" is a tendentious political term developed by anti-gun publicists. See *Stenberg v. Carhart*, 530 U.S. 914, 1001 n.16 (2000) (Thomas, J., dissenting).

The Department will consider deferring the filing of the lawsuit for a short period if the City is willing to enter pre-suit negotiations in an effort to resolve this matter. Although the specific provisions are open to discussion, a resolution must, at a minimum require that the City and Denver Police: (1) immediately cease enforcement of the so-called assault weapon ban; (2) acknowledge the unconstitutionality of the so-called assault weapon ban; and (3) agree to enter into a court-enforceable consent decree permanently enjoining the City and Denver Police from violating its citizens' constitutional rights through the so-called assault weapon ban or any similar such bans.

This letter also serves as a document-retention notice. Please ensure that City and Denver Police officials, employees, and contractors preserve in their current form any and all records, including documents, photos, videos, files, tapes, emails and computer files, that may be relevant to this matter.

We hope that the City shares our interest in achieving a voluntary resolution of this matter. We ask that you inform us no later than May 5, 2026, whether the City is interested in entering into pre-suit settlement negotiations. If we do not hear from you by 5:00 p.m. ET, May 5, 2026, the United States may file its complaint without further notice. If the City wishes to enter into pre-suit negotiations, please contact Barry Arrington, Acting Chief of the Division's Second Amendment Section at barry.arrington@usdoj.gov.

Regards,



Harmeet K. Dhillon
Assistant Attorney General
Civil Rights Division

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Assistant Attorney General
Civil Rights Division
950 Pennsylvania Avenue, NW-RFK
Washington, D.C. 20530

May 4, 2026

VIA ELECTRONIC MAIL (Barry Arrington at Barry.Arrington@usdoj.gov)

Dear Ms. Dhillon:

I am writing in response to your letter dated April 28, 2026 whereby you request that the City and County of Denver ("City") stop enforcing its assault weapons ban contained in Denver Revised Municipal Code Section 38-121(c) ("Ordinance"), declare the Ordinance unconstitutional, and refrain from enacting any similar laws in the future. Your request is baseless, irresponsible, and a clear overreach of the federal government's power.

Denver today is the safest it has been in years, recently recording the sharpest drop in homicides of any large city in the country. Violent crime is down and community trust in police is up. This progress shows that Denver has the right strategies in place to protect its residents. Reversing a common-sense ban that has worked for 37 years and bringing assault weapons back into the City's neighborhoods is not one of them.


Notably, all six federal appellate courts that have considered assault weapons or large-capacity magazine ("LCM") prohibitions following *NYSRPA v. Bruen*, 597 U.S. 1 (2022) have upheld them—specifically, the First, Second, Fourth (en banc), Seventh, Ninth, and D.C. Circuit. While the Tenth Circuit has not yet ruled on an assault weapon or LCM case, in *United States v. Morgan*, 150 F.4th 1339, 1347 (10th Cir. 2025) a three-judge panel unanimously held that a statute precluding the transfer or possession of machineguns did not violate the Appellee's Second Amendment right. In its opinion, the Tenth Circuit squarely rejected the argument you make here—that the number of a certain weapon in private hands is what matters under the Second Amendment. *Id.* It does not. Therefore, even if your bald, unsupported statement that "literally *tens of millions* of AR-15 style rifles" are held by private individuals is true (and you have presented no evidence showing it is), your point is irrelevant.

Relatedly, you may be aware of the failure of Barry Arrington's 2022 lawsuit in Colorado challenging the state's restriction on large-capacity magazines, which he dismissed with prejudice in 2024. According to one of Mr. Arrington's clients, the dismissal occurred because the plaintiffs could not carry their burden of proof under *Bruen*—specifically, according to their [press release](#) they were unable to present "critical evidence of the 'common use' of" the magazines Colorado banned.

Further, your reliance on 34 U.S.C. Section 12601 as a basis for your threatened lawsuit is neither compelling nor proper. Congress enacted Section 12601 in the wake of the horrific Rodney King beating to provide the federal government with tools to combat excessive force and other kinds of misconduct in state and local police departments. Your effort to use Section 12601 to mount a facial challenge to the City's democratically-enacted Ordinance flies in the face of text, history, and past practice.

In closing, please rest assured that the City will vigorously defend its Ordinance if challenged. We remain steadfast in our commitment to protecting our community from needless gun violence and weapons of war on our streets while also supporting responsible gun ownership.

Sincerely,



Miko Brown | City Attorney,
City Attorney's Office | City and County of Denver