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14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 UNITED STATES OF AMERICA,
17
18 Plaintiff,

19 v.

20 STATE OF CALIFORNIA and
21 ROBERT BONTA, in his official
22 capacity as head of the California
23 Department of Justice,
24
25 Defendants.

Case No. 8:2026-cv-1697

**MEMORANDUM OF POINTS
AND AUTHORITIES IN
SUPPORT OF *EX PARTE*
APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE WHY A PRELIMINARY
INJUNCTION SHOULD NOT
ISSUE**

Hearing: None set

Judge: None appointed

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1 Plaintiff submits the following Memorandum of Points and Authorities in
2 Support of Its *Ex Parte* Application for Temporary Restraining Order and Order to
3 Show Cause Why a Preliminary Injunction Should Not Issue.
4

5 I. INTRODUCTION

6 This brief indeed will be brief because this is an exceedingly simple case.
7 Handguns are “*overwhelmingly chosen* by American society” for self-defense.
8 *District of Columbia v. Heller*, 554 U.S. 570, 628 (2008) (emphasis added).
9 Therefore, a “prohibition of their use is invalid.” *Id.* at 629. Glock handguns are
10 the most popular handguns in America. *See, e.g., How Glock became America’s*
11 *gun*, CBS NEWS (Sep. 15, 2013), <https://perma.cc/J5E8-42UA>. Cal. Penal Code
12 § 27595(a) (the “Glock Ban”) bans California citizens from acquiring those
13 handguns—and all similar cruciform-trigger-bar handguns—from licensed dealers.
14 The Glock Ban is a flagrant violation of the Second Amendment and merits
15 immediate enjoinder.
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20 II. ARGUMENT

21 A. Standard for Injunctive Relief under Fed. R. Civ. P. 65.

22 A party seeking preliminary relief must show that [1] it is likely to succeed
23 on the merits, [2] it is likely to suffer irreparable harm, and an injunction is both
24 [3] equitable and [4] in the public interest. *NetChoice, LLC v. Bonta*, 152 F.4th
25 1002, 1012 (9th Cir. 2025) (citing *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S.
26 7 (2008)). When the government is the defendant, the third and fourth preliminary
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1 injunction factors merge. *E. Bay Sanctuary Covenant v. Garland*, 994 F.3d 962,
2 975 (9th Cir. 2020) (citation and quotation marks omitted).

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4 **B. Plaintiff Is Likely to Prevail on the Merits.**

5 **1. The Glock Ban Is a Total Prohibition under Threat of Criminal**
6 **and Administrative Penalty.**

7 As of July 1, 2026, it is illegal for a California licensed firearms dealer “to
8 sell, offer for sale, exchange, give, transfer, or deliver any semiautomatic
9 machinegun-convertible pistol.” Cal. Penal Code § 27595(a). Violations of the
10 Glock Ban may be punished by fine and the suspension or revocation of the
11 offending dealer’s license. *See id.* § 27595(b)(1)–(3).

12
13 Cal. Penal Code § 16885(a) defines a “semiautomatic machine-gun
14 convertible pistol” as:

15
16 [A]ny semiautomatic pistol with a cruciform trigger bar that can be
17 readily converted by hand or with common household tools . . . into a
18 machinegun by the installation or attachment of a pistol converter as a
19 replacement for the slide’s backplate without any additional
20 engineering, machining, or modification of the pistol’s trigger
mechanism.

21 All factory-stock models of Glock pistols currently on the market have a
22 cruciform trigger bar. Declaration of Earl Griffith ¶ 9. This includes Glock’s “Gen
23 6” and “V series” pistols, which were introduced into the U.S. market in late 2025.
24 *Id.* Therefore, based on the definition set forth in Cal. Penal Code § 16885, as of
25 July 1, 2026, Cal. Penal Code § 27595(a) prohibits licensed firearms dealers from
26 selling, offering for sale, exchanging, giving, transferring, or delivering any Glock
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1 handgun to their customers. Declaration of Earl Griffith ¶ 10. Thus, Cal. Penal
2 Code § 27595(a) operates as a total ban on the purchase of Glock handguns from
3 licensed firearms dealers in California. *Id.*¹

5 **2. Glock Handguns Are the Most Popular Handguns in America and**
6 **Therefore Protected under the Second Amendment.**

7 Glock handguns are the most popular handguns in America. Declaration of
8 Earl Griffith ¶ 12. Glock handguns are unquestionably in common use. *See also,*
9 *How Glock became America’s gun*, CBS News (Sep. 15, 2013),
10 <https://perma.cc/J5E8-42UA>. Analysts estimate that, as of 2020, Glock held nearly
11 65% of the U.S. market for handguns. *Gaston Glock & family*, Forbes (Apr. 5,
12 2021), <https://perma.cc/6HWX-6FFP>. As such, they are protected under the Second
13 Amendment. *See Bevis v. City of Naperville, Illinois*, 85 F.4th 1175, 1209 (7th Cir.
14 2023) (Brennan, J., dissenting) (Proving common use is a “sufficient condition” for
15 finding an arm is protected under the history and tradition test).

19 According to one source, three Glock handgun models made the top 25 for
20 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>. ATF has observed that Glocks are “popular for
23 civilian use.” *See Definition of “Frame or Receiver” and Identification of*
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28 ¹ This does not apply to the limited exceptions set forth in Cal. Penal Code § 27595(c).
Declaration of Earl Griffith ¶ 11.

1 *Firearms*, 87 Fed. Reg. 24652, 24655 (Apr. 26, 2022). Glock pistols consistently
2 rank among the top-selling firearms in the U.S. civilian market. *See, e.g.*,
3 *Best-Selling Guns*, Guns.com (May 5, 2026), <https://perma.cc/9JGJ-ZXXN> (listing
4 two Glock models in the top-five-selling handguns).
5

6 Government data confirm the popularity of these types of handguns. For
7 example, in 2021, alone, Glock manufactured 581,944 handguns in the United
8 States. *See Annual Firearms Manufacturing and Export Report* at 13, ATF (2021),
9 <https://perma.cc/T6FB-YCAY>. Of those, just 67,106 were exported. *Id.* at 153. It
10 follows that, in 2021 alone, Glock manufactured 514,838 handguns for sale in the
11 United States. Moreover, in 2021, 5,263,341 handguns were imported into the
12 United States. *See Firearms Commerce in the United States* at 3, ATF (2024),
13 <https://perma.cc/P689-LX24>. Of those, 1,688,941 (nearly one-third of the total)
14 were imported from Austria, *id.* at 5, where many Glocks are manufactured. *See*
15 Glock, *Glock Brand*, <https://perma.cc/2UWY-EARR>. It is therefore likely that, in
16 2021 alone, Glock imported hundreds of thousands of handguns for sale in the
17 United States.
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22 **3. The *Bruen* Second Amendment Standard Applies.**

23 In *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022), the
24 Court set forth the following test for evaluating Second Amendment claims:
25

26 We reiterate that the standard for applying the Second Amendment is
27 as follows: When the Second Amendment’s plain text covers an
28 individual’s conduct, the Constitution presumptively protects that

1 conduct. The government must then justify its regulation by
2 demonstrating that it is consistent with the Nation’s historical tradition
3 of firearm regulation.

4 597 U.S. at 24.

5 Under step one of the *Bruen* test, when a “challenged law falls within the
6 plain text of the Second Amendment, it is presumptively unconstitutional.”
7 *Wolford v. Lopez*, 2026 WL 1825723, at *6 (U.S. June 25, 2026). At step two, the
8 government (i.e., Defendants here) has an opportunity to rebut any presumption of
9 unconstitutionality that arose under step one by demonstrating that its regulation is
10 consistent with the Nation’s historical tradition of firearm regulation.
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13 **4. The Glock Ban Is Presumptively Unconstitutional.**

14 Just last week, the Supreme Court stated the following regarding the Second
15 Amendment’s protection of handguns: “The phrase ‘to keep and bear Arms,’ . . .
16 signifies what its terms mean in ordinary usage—that is, to ‘have’ and ‘carry Arms.’
17 [citing *District of Columbia v. Heller*, 554 U.S. 570, 583-585 (2008)]. And ‘Arms,’
18 . . . refers to implements used for offense or defense. *Id.*, at 581. . . . [H]andguns,
19 which are ‘overwhelmingly chosen by American society’ for self-defense, fall
20 squarely into this category. *Id.*, at 628.” *Wolford* at *4 (emphasis added).
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23 The Glock Ban prevents law-abiding citizens from acquiring Glock handguns
24 from licensed firearms dealers. “Common sense dictates that the right to bear arms
25 requires a right to acquire arms, just as the right to free press necessarily includes
26 the right to acquire a printing press, or the right to freely practice religion
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1 necessarily rests on a right to acquire a sacred text.” *Ortega v. Grisham*, 148 F.4th
2 1134, 1143 (10th Cir. 2025). In *Jackson v. City & Cnty. of San Francisco*, 746 F.3d
3 953 (9th Cir. 2014), the court held that the right to possess firearms implies a
4 corresponding acquisition right. *Id.* at 967 (Second Amendment protects right to
5 acquire ammunition, and *Heller* did not differentiate between regulations governing
6 ammunition and regulations governing firearms themselves). Thus, the Second
7 Amendment protects the right to acquire handguns.

10 In summary, the Second Amendment’s plain text covers the conduct of those
11 law-abiding Californians who desire to acquire Glock handguns from licensed
12 dealers. The Glock Ban prohibits that conduct. Therefore, under *Bruen* step one,
13 the Glock Ban is presumptively unconstitutional.

16 **5. Defendants Cannot Rebut the Presumption of Unconstitutionality.**

17 Defendants cannot rebut the presumption that the Glock Ban is
18 unconstitutional. Glock handguns are in common use. Indeed, as set forth above,
19 they are the most popular handgun in America. There is no historical tradition
20 analogous to a ban of a weapon in common use. *See Heller*, 554 U.S. at 629. It
21 follows that there is no historical tradition of banning the commercial acquisition
22 of a weapon in common use.

25 Apparently, the State believes it can outlaw perfectly legal, safe, and
26 constitutionally protected firearms if those firearms can be converted into illegal
27 firearms. That is wrong. A legal shotgun can be turned into an illegal sawed-off
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1 shotgun in a matter of seconds with a common hacksaw. Surely, this does not mean
2 the State can outlaw shotguns. A semiautomatic rifle can be converted into a
3 machinegun, but unmodified semiautomatic rifles are “widely accepted as lawful
4 possessions.” *Staples v. United States*, 511 U.S. 600, 612 (1994). The State’s
5 argument is directly contrary to the Court’s holding in *Staples*.
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8 **6. The United States Is Authorized to Seek Injunctive Relief against**
9 **Violations of the Second Amendment**

10 Pursuant to 34 U.S.C. § 12601(a), it is unlawful for law enforcement officers
11 to engage in a pattern or practice of conduct that deprives persons of their
12 constitutional rights. The United States is authorized to obtain injunctive relief
13 against violations of § 12601(a). 34 U.S.C. § 12601(b). Acts of the legislative body
14 of a state represent the “official policy” of that state. *See United States v. Cnty. of*
15 *Maricopa, Arizona*, 889 F.3d 648, 652 (9th Cir. 2018). Section 12601 “imposes
16 liability on a governmental authority whose own official policy causes it to engage
17 in a pattern or practice of conduct by law enforcement officers that deprives persons
18 of federally protected rights.” *Id.* at 653. Thus, a state is liable for violations of
19 § 12601 “stemming from” its laws. The California Attorney General is the chief
20 law enforcement officer of the State, and it is his duty to see that the laws of the
21 State are uniformly and adequately enforced. *Steen v. App. Div. of Superior Ct.*,
22 331 P.3d 136, 141 (Cal. 2014); Cal. Const. art. V, § 13. The California Bureau of
23 Firearms is one of the bureaus of the Department’s Division of Law Enforcement.
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1 Special Agents (sworn peace officers under Penal Code § 830.1(b)) of the California
2 Bureau of Firearms enforce the State’s firearms laws, including the Glock Ban.
3 Accordingly, the State’s enactment of the Glock Ban and its threat of or actual
4 enforcement through state law enforcement officials constitutes law enforcement
5 misconduct within the meaning of § 12601. It follows that California is liable under
6 § 12601 for violations of Second Amendment rights stemming from the Glock Ban.
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9 The United States has standing to vindicate its own sovereign interests in this
10 case. It is “beyond doubt” that the United States suffers “an injury to . . . its
11 sovereignty” when a State violates federal law, *Vermont Agency of Nat. Res. v.*
12 *United States ex rel. Stevens*, 529 U.S. 765, 771 (2000), including the United States
13 Constitution, see *Pasadena City Bd. of Educ. v. Spangler*, 427 U.S. 424, 430-431
14 (1976). There is similarly no “doubt[.]” that “the United States” may “represent[its’
15 citizens] as *parens patriae*” to “enforce their [federal] rights” in court,
16 *Massachusetts v. Mellon*, 262 U.S. 447, 485-486 (1923) (emphasis added). The
17 Second Amendment protects just such a fundamental federal right. *McDonald v.*
18 *City of Chicago*, 561 U.S. 742, 778 (2010) (acknowledging that the Second
19 Amendment protects the right to keep and bear arms “among those fundamental
20 rights necessary to our system of ordered liberty.”).
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28 **C. Plaintiff Prevails on the Other *Winter* Factors.**

1 It is “well established” that the deprivation of constitutional rights
2 “unquestionably” constitutes irreparable injury. *Vasquez Perdomo v. Noem*, 148
3 F.4th 656, 679 (9th Cir. 2025) (internal citation and quotation marks omitted). It
4 “follows inexorably” that if a government’s policy is likely unconstitutional, a
5 plaintiff has also carried its burden as to irreparable harm. *Hernandez v. Sessions*,
6 872 F.3d 976, 995 (9th Cir. 2017). Accordingly, “[w]hen an alleged deprivation of
7 a constitutional right is involved, . . . most courts hold that no further showing of
8 irreparable injury is necessary.” 11A Charles Alan Wright & Arthur R. Miller,
9 *Federal Practice and Procedure* § 2948.1 (3d ed. 1998).

13 Likelihood of success on the merits of a constitutional claim also tips the
14 merged third and fourth factors decisively in a plaintiff’s favor. Public interest
15 concerns are implicated when a constitutional right has been violated, and all
16 citizens have a stake in upholding the Constitution. *Preminger v. Principi*, 422 F.3d
17 815, 826 (9th Cir. 2005). Thus “it is always in the public interest to prevent the
18 violation of a party’s constitutional rights.” *Riley’s Am. Heritage Farms v.*
19 *Elsasser*, 32 F.4th 707, 731 (9th Cir. 2022) (citation and quotation marks omitted).
20 The government also “cannot reasonably assert that it is harmed in any legally
21 cognizable sense by being enjoined from constitutional violations.” *Zepeda v. INS*,
22 753 F.2d 719, 727 (9th Cir. 1983).

26 These principles are equally applicable in cases in which the plaintiff has
27 established a likely violation of the Second Amendment. *Baird v. Bonta*, 81 F.4th
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1 1036, 1042 (9th Cir. 2023). Thus, Plaintiff has demonstrated that it will prevail on
2 the second, third, and fourth *Winter* factors.
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III. CONCLUSION

For the foregoing reasons, Plaintiff respectfully moves the Court to enter a temporary restraining order against the Glock Ban and issue an order to show cause why a temporary injunction should not issue. A proposed order is attached. Respectfully submitted this 1st day of July 2026.

/s/ Barry K. Arrington
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Acting Chief
Second Amendment Section

CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for the United States, certifies that this brief contains 2,514 words, which complies with the word limit of L.R. 11-6.1.

Dated: July 1, 2026

Respectfully submitted,

/s/ Barry K. Arrington
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