

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-5042

September Term, 2018

1:18-cv-02988-DLF

1:18-cv-03086-DLF

Filed On: March 23, 2019

Damien Guedes, et al.,

Appellants

Firearms Policy Coalition, Inc., CA 18-3083,

Appellee

v.

Bureau of Alcohol, Tobacco, Firearms and
Explosives, et al.,

Appellees

Consolidated with 19-5043, 19-5044

BEFORE: Henderson, Millett, and Srinivasan, Circuit Judges

ORDER

Plaintiffs in these three consolidated cases challenge a final agency rule banning Bump-Stock-Type Devices, 83 Fed. Reg. 66514 (Dec. 26, 2018) (“Bump-Stock Rule”), which is scheduled to take effect on March 26, 2019. On February 25, 2019, the district court denied the plaintiffs’ joint request for a preliminary injunction staying the Bump-Stock Rule’s effective date. On March 1, 2019, this court granted the Appellants’ joint motion for expedition of this case, in which they sought resolution of the appeal on a highly expedited basis before the March 26, 2019, effective date. Under that expedited schedule, this case was argued on March 22, 2019. At oral argument, counsel for the government explained that it was now its position that the Bump Stock Rule’s March 26, 2019 effective date should be viewed as the date when the government will cease exercising its prosecutorial discretion not to enforce federal law against those who possess or trade in bump-stock-devices covered by the Bump-Stock Rule. Oral Arg. 49:00-51:55. Following oral argument,

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the Firearms Policy Coalition, Inc. filed a voluntary motion to dismiss its appeal, or in the alternative to stay its appeal, and advised that the government opposes the motion to dismiss. In light of these representations, it is

ORDERED that the motion of the Firearms Policy Coalition, Inc., to dismiss its appeal, No. 19-5043, be granted. Appeal No. 19-5043 is hereby dismissed. It is

FURTHER ORDERED, on the court's own motion, that the effective date of the Bump-Stock Rule, 83 Fed. Reg. 66514 (Dec. 26, 2018), be administratively stayed in its application only as to the named Appellants in appeals Nos. 19-5042 and 19-5044, pending further order of this Court. The purpose of this stay is exclusively to give the Court sufficient opportunity to consider the disposition of this highly expedited appeal, and should not be construed in any way as a ruling on the merits of the appeal. See D.C. Circuit Handbook of Practice and Internal Procedures 33 (2018).

The Clerk is directed to issue the mandate forthwith in No. 19-5043 only.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Michael C. McGrail

Deputy Clerk