

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

STEPHEN DEARTH, et al.,	)	Case No. 09-CV-0587-RLW
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
ERIC HOLDER,	)	
	)	
Defendant.	)	
_____	)	

**[PROPOSED] ORDER**

This matter came before the Court on Plaintiffs' motion for summary judgment.

Having considered the matter, the Court finds that the motion should be and is GRANTED. The Clerk is directed to enter judgment in Plaintiffs' favor and against Defendant. Specifically, the Court declares:

1. Title 18 U.S.C. § 922(a)(9) and 27 C.F.R. § 478.29a are unconstitutional. These provisions violate the Second Amendment right to keep and bear arms, and the Fifth Amendment rights to international travel and equal protection.

2. Title 18 U.S.C. § 922(b)(3) and 27 C.F.R. §§ 478.96, 478.99 and 478.124 are unconstitutional as applied to Americans residing overseas, to the extent these laws are applied to bar otherwise qualified Americans from purchasing firearms on account of lacking domestic residence. When so applied, the provisions violate the Second Amendment right to keep and bear arms, and the Fifth Amendment rights to international travel and equal protection.

Consistent with this declaration, the Defendant, his officers, agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of the

injunction, are permanently enjoined from enforcing 18 U.S.C. § 922(a)(9) and 27 C.F.R. § 478.29a, and are further permanently enjoined from enforcing 18 U.S.C. § 922(b)(3) and 27 C.F.R. §§ 478.96, 478.99 and 478.124 in such manner as to bar otherwise qualified Americans from purchasing firearms on account of lacking domestic residence.

SO ORDERED.

This the \_\_\_\_ day of \_\_\_\_\_, 2011.

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The Hon. Robert L. Wilkins  
United States District Judge