

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

NOTICE OF SUPPLEMENTAL AUTHORITY

PLEASE TAKE NOTICE that the United States District Court for the District of Massachusetts has decided *Fletcher v. Haas*, No. 11-10644-DPW, 2012 U.S. Dist. LEXIS 44623 (D. Mass. March 30, 2012).

In *Fletcher*, the court struck down as a violation of the Second Amendment Massachusetts’ prohibition on the possession of firearms by resident aliens. “The Massachusetts firearms regulatory regime, as applied to [individual plaintiffs], does not pass constitutional muster regardless of whether intermediate scrutiny or strict scrutiny applies.” *Id.* at *46.

Although Massachusetts has an interest in regulating firearms to prevent dangerous persons from obtaining firearms . . . the statute here fails to distinguish between dangerous non-citizens and those non-citizens who would pose no particular threat if allowed to possess handguns. Nor does it distinguish between temporary non-immigrant residents and permanent residents. Any classification based on the assumption that lawful permanent residents are categorically dangerous and that all American citizens by contrast are trustworthy lacks even a reasonable basis.

Id. at *47.

Likewise, here, there is no reason to suppose that American citizens are categorically dangerous merely because they reside overseas. This Court should follow *Fletcher*.

Dated: April 4, 2012

Respectfully submitted,

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