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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

Lana Rae Renna; Danielle Jaymes; Laura
Schwartz; Michael Schwartz; Robert
Macomber; Clint Freeman; John Klier;
John Phillips; Cheryl Prince; Darin
Prince; PWGG, L.P.; North County
Shooting Center, Inc.; Gunfighter
Tactical, LLC; Firearms Policy
Coalition, Inc.; San Diego County Gun
Owners PAC; Citizens Committee for
the Right to Keep and Bear Arms;
Second Amendment Foundation; and
National Rifle Association of America,

Plaintiffs,

v.

Robert Bonta, Attorney General of
California; and Allison Mendoza,
Director of the California Department of
Justice Bureau of Firearms,

Defendants.

Case No.: 20-cv-2190-DMS-DEB

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Fed. R. Civ. P. 15(d)

Date: September 4, 2026
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Courtroom 13A (13th Floor)
Hon. Dana M. Sabraw

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INTRODUCTION

The Second Amendment protects “the right of the people to keep and bear Arms.” U.S. CONST. amend. II. The right of a peaceable individual to possesses—and, as an incident, to acquire—a firearm falls squarely within that constitutional guarantee. *See WOLFORD v. LOPEZ*, 146 S. Ct. 2032, 2043–44 (2026) (explaining that the plain-text inquiry asks whether the challenged law applies to “the people,” concerns “Arms,” and restricts the “keep[ing]” or “bear[ing]” of arms). Once that threshold is satisfied, the government bears the burden of demonstrating that any restriction upon that right “is consistent with this Nation’s historical tradition of firearm regulation.” *N.Y. State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1, 17 (2022); *see also WOLFORD*, 146 S. Ct. 2032 at 2044–45. Plaintiffs’ operative Fourth Amended Complaint alleges that California’s UHA violated the Second Amendment by banning the sale of handguns that are in common use for self-defense and other lawful purposes. This Court held that several provisions of the UHA likely violate the Second Amendment. *See Renna v. Bonta*, 667 F. Supp. 3d 1048, 1060 (S.D. Cal. 2023). The Court concluded that those provisions banned many new models of semiautomatic handguns that are in common use. *Id.* at 1063. And it specifically found that certain Glock handgun models are in common use. *See id.* (discussing the Glock 43 and Glock 17 Gen 5); *see also Boland v. Bonta*, 662 F. Supp. 3d 1077 (C.D. Cal. 2023) (similarly holding that the UHA’s requirements likely violate the Second Amendment).

In the wake of this Court’s holding, California enacted Assembly Bill 1127, which expands California’s handgun ban to (1) encompass *additional* models of Glock and Glock-style handguns that were exempted from the UHA (certain models of Gen3 Glock handguns were grandfathered-in and thus appear on the Roster) and (2) creates a separate ban on Glock handguns already proscribed by the UHA. *See* Cal. Penal Code § 27595(a). All of these models are “Arms” and thus are constitutionally protected. Further, they are in common use. Indeed, they are among the most popular

1 firearms in the nation. Yet if § 27595 is enforced, Californians will have no practical
2 way to acquire them.

3 California’s decision to create a new and separate ban in § 27595 to prohibit
4 additional, commonly possessed handgun models is no more constitutional than the
5 UHA ban already enjoined by this Court. Section 27595’s cruciform-trigger-bar ban
6 is flagrantly unconstitutional and, like the rest of the laws challenged in this suit, seeks
7 to narrow the selection of ordinary handguns available to peaceable Californians.
8 Plaintiffs respectfully request that the Court enter a preliminary injunction enjoining
9 § 27595’s enforcement and allow the injunction to take effect to maintain the status
10 quo ante pending the ultimate resolution of the case on the merits.

11 BACKGROUND

12 A. Statutory And Regulatory Background.

13 Plaintiffs brought this action to challenge California’s Unsafe Handgun Act.
14 The UHA “prohibit[s] the manufacture and retail sale in California of a large segment
15 of modern handguns that are otherwise in common use throughout the United States
16 for self-defense and other lawful purposes.” *See Renna*, 667 F. Supp. 3d at 1054,
17 *appeal pending*, No. 23-55367 (9th Cir.). It does so by prohibiting retail sales of all
18 handgun models except those models included on a “roster” maintained by the
19 California Department of Justice. *See* Cal. Penal Code § 32015(a).

20 The roster excludes many of the most popular new handguns in the Nation.
21 Older versions of those firearms, however, are often “grandfathered” in and remain
22 legal for sale. *See Renna*, 667 F. Supp. 3d at 1056 (describing 2007 and 2013
23 amendments). Relevant here, the roster excludes fourth- and fifth-generation Glock
24 handguns. But it includes earlier, third-generation Glock handguns, which are
25 handgun models that Glock began producing between 1998 and 2010. *See* Chang,
26 *Glock Generation Differences: Gen 3, Gen 4, Gen 5 [Guide]*, PEW TACTICAL (July
27 6, 2024), <https://perma.cc/UGC7-MDJR>. The Roster includes other cruciform trigger
28 bar handguns as well, including several of the Shadow Systems 920 line.

1 On April 3, 2023, this Court preliminarily enjoined several provisions of the
2 UHA. It found that those provisions are likely unconstitutional because they ban new
3 models of semiautomatic handguns that are in common use, including fourth- and
4 fifth-generation Glocks. *See Renna*, 667 F. Supp. 3d at 1060. The Court concluded
5 that those provisions banned many new models of semiautomatic handguns that are
6 in common use. *Id.* at 1063. And it specifically found that certain Glock handgun
7 models are in common use. *See id.* (discussing the Glock 43 and Glock 17 Gen 5).

8 On October 10, 2025, California enacted Assembly Bill 1127, which provides
9 that, effective July 1, 2026, licensed firearms dealers “shall not sell, offer for sale,
10 exchange, give, transfer, or deliver any semiautomatic machinegun-convertible
11 pistol.” Cal. Penal Code § 27595(a). Penal Code § 16885(a) defines a “semiautomatic
12 machine-gun convertible pistol” as:

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

16 Cal. Penal Code § 16885(a).

17 To the best of Plaintiffs’ knowledge, that definition encompasses all Glock
18 semiautomatic handguns and any similar handguns built using a cruciform trigger bar
19 (“Glock-style handguns”). Before AB 1127, certain Glock models could be sold in
20 California because they were grandfathered onto California’s handgun roster. While
21 § 27595(a) contains a few exemptions not relevant to this challenge,¹ for ordinary,
22 peaceable Californians, the law effectively closes the door on traditional commercial
23 sales of these firearms. These models are now banned. AB 1127 is therefore a total
24

25 ¹ Specifically, § 27595 exempts from coverage “private party to private party
26 transaction[s] conducted through a licensed firearms dealer,” subd. (c)(3), sales to law
27 enforcement officers or transfers for a few discrete purposes, subd. (c)(9), and permits
28 transfers “to any forensic laboratory or forensic laboratory employee, while on duty
and acting within the scope and course of employment,” subd.(c)(8). AB 1127 further
excludes “hammer-fired semiautomatic pistol[s]” as well as “striker-fired
semiautomatic pistol[s] lacking a cruciform trigger bar.” Cal. Penal Code § 16885(b).

1 Glock ban. Violations may be punished by fine and the suspension or revocation of
2 the offending dealer's license. *See id.* § 27595(b)(1)–(3).

3 All factory stock models of Glock pistols have a cruciform trigger bar. This
4 includes Glock's "Gen 6" and "V series" pistols, which were introduced into the U.S.
5 market in late 2025. The cruciform trigger bar is integral to Glock's design. Among
6 other things, it ensures that a Glock pistol will not discharge accidentally if dropped.

7 The cruciform trigger bar was present in Glock's patented design by 1982. *See*
8 *Kopenhagen et al., The Genesis of the Glock Pistol: How Gaston Glock Created the*
9 *Dominant Design for Handguns* (May 22, 2025). It has thus been a feature of Glock
10 pistols since they were first sold in the U.S. in 1986.

11 When Glock's Gen 3 patent expired in 2020, many companies began producing
12 handguns based on its exceedingly popular design. These pistols are often referred to
13 as Glock-style pistols. Common models include the Palmetto State Armory Dagger,
14 the Ruger RXM, and many Shadow Systems handguns. Factory stock versions of
15 these Glock-style pistols are also designed with a cruciform trigger bar.

16 Because factory stock Glock and Glock-style pistols have a cruciform trigger
17 bar, they satisfy AB 1127's definition of "machine gun convertible pistol" if they are
18 deemed to be "readily convert[ible]" into a machine gun as described in § 16885(a).
19 There is a substantial likelihood that virtually all Glock and Glock-style pistols will
20 be deemed to qualify as "readily convert[ible]."

21 Because the paradigmatic handguns that meet California's definition of a
22 "semiautomatic machine-gun convertible pistol" were patented and initially
23 manufactured by Glock, Plaintiffs will refer, at times, to the banned firearms as Glocks
24 or Glock-style handguns. For the avoidance of doubt, Plaintiffs challenge the
25 restriction as to *all* semiautomatic pistols with cruciform trigger bars that are banned
26 by California under § 27595(a).

27 A pistol converter is a device that can be attached to a pistol which enables the
28 pistol to fire automatically, meaning it will fire more than one round by a single

1 function of the trigger. *See* Cal. Penal Code § 17015. Put differently, a pistol converter
2 is a device that transforms a semiautomatic pistol into a machinegun.

3 AB 1127’s author argued that this ban is necessary because Glock’s design
4 allows them to be modified to fire automatically using pistol converters. *See* Cal. Sen.
5 Comm. Public Safety, AB 1127, *Firearms: converter pistols*, at 8 (June 19, 2025),
6 available at: <https://perma.cc/6MVM-CY22>; *see also* Cal. Penal Code § 17015. But
7 under California law, pistol converters are already banned because they are defined as
8 machineguns. *See* Cal. Penal Code § 16880(b); *id.* § 32625(a). That prohibition is not
9 at issue here.

10 These devices are also banned under federal law, which defines “machinegun”
11 to include pistol converters. *See* 26 U.S.C. § 5845(b). With exceptions not relevant
12 here, federal law prohibits the possession, manufacture, transfer, or receipt of a
13 machinegun. *See* 18 U.S.C. § 922(o); 26 U.S.C. § 5861. A violation of these
14 provisions is a felony punishable by up to ten years’ imprisonment and a fine of up to
15 \$250,000. *See* 18 U.S.C. § 924(a)(2); 26 U.S.C. § 5871; 18 U.S.C. § 3571.

16 **B. Relevant Procedural History.**

17 On October 31, 2022, Plaintiffs filed their Third Amended Complaint alleging
18 that the UHA violates the Second Amendment because it bans the sale of handguns
19 that are in common use for self-defense and other lawful purposes. *See* ECF 67.

20 On April 3, 2023, this Court issued a preliminary injunction ruling holding that
21 several provisions of the UHA likely violate the Second Amendment. *See Renna*, 667
22 F. Supp. 3d at 1060.

23 On March 27, 2026, Plaintiffs filed the operative, Fourth Amended Complaint,
24 which added the National Rifle Association of America as a plaintiff. *See* ECF 99.

25 On July 1, 2026, Plaintiffs filed a motion for leave to file a supplemental
26 complaint to add a claim challenging the constitutionality of § 27595(a). That motion
27 is set for hearing August 7, 2026. *See* ECF 101.
28

1 The Individual Plaintiffs are law-abiding adult citizens of the United States who
2 reside in California and who are eligible under federal and California law to possess,
3 acquire, purchase, and receive firearms, including handguns. But for § 27595, these
4 Plaintiffs would acquire Glock and Glock-style semiautomatic pistols in the future for
5 lawful purposes, including self-defense. The Glock ban prevents them from doing so.
6 Jaymes Decl., ¶¶ 2–3; M. Schwartz Decl., ¶¶ 2–3; Klier Decl., ¶¶ 2–3; J. Phillips
7 Decl., ¶ 7; C. Prince Decl., ¶¶ 2–3; D. Prince Decl., ¶ 5.

8 Plaintiffs also include firearms dealers who brought this action on behalf of
9 their customers and would-be customers who are similarly situated to Individual
10 Plaintiffs, who are themselves customers of these dealers. *See Craig v. Boren*, 429
11 U.S. 190, 192–97 (1976). As relevant to this motion, Plaintiffs PWG and North
12 County Shooting Center (“NCSC”) are licensed firearms retailers in San Diego
13 County. In the ordinary course of its business, PWG and NCSC sell, offer for sale,
14 receive, transfer, and maintain inventory of semiautomatic handguns (including Glock
15 pistols and other Glock-style pistols that are commonly possessed and used by law-
16 abiding citizens for lawful purposes), including self-defense in the home. These
17 retailers have sold thousands of Glock and Glock-style handguns to law-abiding
18 customers since. In response to § 27595, PWG and NCSC were forced to stop selling
19 or transferring Glock and Glock-style handguns. But for their reasonable fear of
20 prosecution under § 27595, Plaintiffs PWG and NCSC would continue selling those
21 handguns, which represented a substantial category of popular, constitutionally
22 protected handguns. PWG and NCSC face a credible threat of enforcement, including
23 criminal penalties and adverse licensing consequences, if they continue to sell, offer
24 for sale, receive, or transfer covered pistols after the ban becomes operative. PWG and
25 NCSC are members of the Institutional Plaintiff organization. Phillips Decl., ¶¶ 2–6
26 & 8; Prince Decl., ¶¶ 2–4 & 6.

27 Several organizations have also joined this case as Plaintiffs (including
28 Firearms Policy Coalition, Inc.; San Diego County Gun Owners PAC; Citizens

1 Committee for the Right to Keep and Bear Arms; Second Amendment Foundation;
2 and National Rifle Association of America (collectively, the “Institutional
3 Plaintiffs”). The Institutional Plaintiffs have members who would buy and/or sell
4 handguns banned by § 27595, but for § 27595 and Defendants’ enforcement thereof.
5 The Individual Plaintiffs and Dealer Plaintiffs are members of the Institutional
6 Plaintiff organizations. Jaymes Decl., ¶ 4; M. Schwartz Decl., ¶ 4; Klier Decl., ¶ 4;
7 Phillips Decl., ¶ 7; C. Prince Decl., ¶ 4; D. Prince Decl., ¶ 5; *see also* ECF 71-3, Combs
8 Decl., ¶ 10 (FPC); ECF 71-4, Gottlieb Decl., ¶¶ 3–4 (CCRKBA and SAF); ECF 71-7,
9 M. Schwartz Decl., ¶ 4 (SDCGO).

10 ARGUMENT

11 “The appropriate legal standard to analyze a preliminary injunction motion
12 requires a district court to determine whether a movant has established that (1) he is
13 likely to succeed on the merits of his claim, (2) he is likely to suffer irreparable harm
14 absent the preliminary injunction, (3) the balance of equities tips in his favor, and (4)
15 a preliminary injunction is in the public interest.” *Baird v. Bonta*, 81 F.4th 1036, 1040
16 (9th Cir. 2023) (citing *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008);
17 and *Chamber of Com. of the U.S. v. Bonta*, 62 F.4th 473, 481 (9th Cir. 2023)).

18 **A. Plaintiffs Will Prevail On The Merits Because California’s Glock Ban** 19 **Violates The Second Amendment.**

20 The Second Amendment protects “the right of the people to keep and bear
21 Arms.” U.S. CONST. amend. II. This fundamental right is fully applicable to the States
22 through the Fourteenth Amendment. *McDonald v. City of Chicago, Ill.*, 561 U.S. 742
23 (2010).

24 To determine whether a firearm regulation is constitutional under *Bruen*, the
25 analysis begins with whether the Second Amendment’s plain text covers an
26 individual’s conduct; if so, the Constitution presumptively protects that conduct. *See*
27 *Bruen*, 597 U.S. at 22–24. If that requirement is satisfied, “[t]he government must then
28 justify its regulation by demonstrating that it is consistent with the Nation’s historical

1 tradition of firearm regulation.” *Id.* at 24. In other words, it is California’s burden to
2 “affirmatively prove that its firearms regulation is part of the historical tradition that
3 delimits the outer bounds of the right to keep and bear arms.” *Id.* at 19 (cleaned up);
4 *see also id.* at 60 (“[W]e are not obliged to sift the historical materials for evidence to
5 sustain [the State’s] statute. That is respondents’ burden.”).

6 When considering a government’s proffered historical analogues, courts must
7 first look at “the number of jurisdictions in which they were adopted” and “the extent
8 to which they were well-accepted.” *Wolford*, 146 S. Ct. at 2044. And because the
9 Second Amendment analysis “seek[s] the general understanding of that codified
10 right,” it follows that “[a]n outlier legal rule adopted in a few locales is not enough.”
11 *Id.* at 2050. A historical analogue must be “widespread, well-known, and widely
12 accepted,” *id.* at 2053, but even then, it must also be sufficiently tailored to the modern
13 conduct the government seeks to regulate: The analogue must be “relevantly similar”
14 to a modern law based on “how” and “why” they restrict Second Amendment
15 protected conduct. *Id.* at 2044; *see Bruen*, 597 U.S. at 29. “The more closely a
16 contemporary law mirrors a well-established historical analogue in purpose and
17 operation, the more likely it is to be upheld. Conversely, the more a modern law
18 diverges from traditional laws in purpose and operation, the less likely it is to survive
19 review.” *United States v. Hemani*, 146 S. Ct. 1677, 1686 (2026). *Hemani* provides a
20 case in point. The Court found that “the government’s analogy fails” because “the
21 historical laws on which it relies targeted different kinds of people, did so for different
22 reasons, and operated in different ways.” *Id.* at 1694.

23 California cannot meet its burden here.

24 **1. Plain Text: § 27595 Implicates The Second Amendment, Since Glock**
25 **Pistols Are “Arms.”**

26 The threshold inquiry, per *Bruen*, is whether § 27595 restricts conduct covered
27 by the Second Amendment’s plain text. *Wolford* laid out three sub-parts: the
28 regulation must 1) apply to “the people,” 2) concern “Arms,” and 3) restrict either the

1 “keep[ing]” or the “bear[ing]” of arms. 146 S. Ct. at 2043–44. Here, the only questions
2 relate to the second and third subparts.

3 The Second Amendment’s plain text covers “all instruments that constitute
4 bearable arms, *even those that were not in existence at the time of the founding.*”
5 *District of Columbia v. Heller*, 554 U.S. 570, 582 (2008) (emphasis added).
6 Summarizing its findings from founding-era sources, *Heller* explained that “the most
7 natural reading of ‘keep Arms’ in the Second Amendment is to ‘have weapons.’” *Id.*
8 at 582. Glock and Glock-style pistols certainly constitute weapons. The Supreme
9 Court in *Wolford* emphasized that “‘Arms’ ... refers to implements used for offense
10 or defense[.]” 146 S. Ct. at 2041. Again, Glock and Glock-style pistols fit squarely
11 into this definition.

12 Third, § 27595 restricts the “keep[ing]” or “bear[ing]” of arms. The Supreme
13 Court has explained that “keeping” means “possessing” and “bearing” means
14 “carrying.” *Wolford*, 146 S. Ct. at 2043–44 (citing *Bruen*, 597 U.S. at 32–33). If
15 citizens cannot lawfully purchase a type of firearm, their right to “keep” such arms is
16 necessarily infringed. On that score, the Ninth Circuit has held that, textually, the right
17 to “keep and bear” firearms includes the right to acquire them. *See B&L Productions,*
18 *Inc. v. Newsom*, 104 F.4th 108, 118 (9th Cir. 2024) (“[U]nless the right to *acquire*
19 firearms receives some Second Amendment protection, the right to keep and bear
20 firearms would be meaningless.”); *see also Reese v. ATF*, 127 F.4th 583, 590 (5th Cir.
21 2025) (“[T]he right to ‘keep and bear arms’ surely implies the right to purchase them.”
22 (citation omitted)); *Ortega v. Grisham*, 148 F.4th 1134, 1143 (10th Cir. 2025)
23 (explaining that “[c]ommon sense dictates that the right to bear arms requires a right
24 to acquire arms”); *Gazzola v. Hochul*, 88 F.4th 186, 196 (2d Cir. 2023); *United States*
25 *v. Knipp*, 138 F.4th 429, 434 (6th Cir. 2025). As this Court put it when considering
26 the UHA, “Plaintiffs’ ability to commercially purchase off-roster semiautomatic
27 handguns falls within the plain text of the Second Amendment and is presumptively
28 protected.” *Renna*, 667 F. Supp. 3d at 1061. So too with California’s Glock Ban.

1 As a result, the Second Amendment “presumptively protects” Plaintiffs’ right
2 to acquire arms banned by § 27595. *Bruen*, 597 U.S. at 24. Stated another way,
3 California’s Glock ban is “presumptively unconstitutional.” *Wolford*, 146 S. Ct. at
4 2044.

5 **2. California Cannot Show That The Glock Ban Is Consistent With The**
6 **Nation’s Historical Tradition Of Firearms Regulation.**

7 Under *Bruen*, the burden now shifts to California. It must show that § 27595 is
8 “consistent with this Nation’s historical tradition of firearm regulation.” 597 U.S. at
9 34. “[W]hen the Government regulates arms-bearing conduct, as when the
10 Government regulates other constitutional rights, it bears the burden to ‘justify its
11 regulation.’” *United States v. Rahimi*, 602 U.S. 680, 691 (2024) (quoting *Bruen*, 597
12 U.S. at 24). And it must do so by offering persuasive legal history. *See Bruen*, 597
13 U.S. at 25; *id.* at 25 n.6 (courts “decide a case based on the historical record compiled
14 by the parties”); *Hemani*, 146 S. Ct. at 1687 (similar).

15 But as *Heller* has made clear, the *only* historical justification that could justify
16 banning the possession of a firearm is that the arm is both “dangerous and unusual.”
17 554 U.S. at 627 (quotation marks omitted). Arms that are “in common use” are, by
18 definition, neither. *Id.* (quotation marks omitted). Thus, in *Heller*, the Supreme Court
19 held that the Second Amendment “protects the possession and use of weapons that are
20 ‘in common use at the time.’” *Bruen*, 597 U.S. at 21 (quoting *Heller*, 554 U.S. at 627).

21 A law that bans the sale of—and correspondingly prevents citizens from
22 acquiring—a weapon in common use violates the Second Amendment.
23 Semiautomatic handguns with cruciform trigger bars are not different from *any* other
24 type of semiautomatic handgun in a constitutionally relevant way.

25 The Supreme Court has already held that handguns are in common use and
26 cannot be banned. *See Heller*, 554 U.S. at 629 (“[H]andguns are the most popular
27 weapon chosen by Americans for self-defense in the home, and a complete prohibition
28

1 of their use is invalid.”). Semiautomatic handguns, including those with a cruciform
2 trigger bar, therefore, cannot be banned.

3 “[T]he vast majority of [handguns] ... are semi-automatic.” *Heller v. District*
4 *of Columbia*, 670 F.3d 1244, 1269 (D.C. Cir. 2011) (Kavanaugh, J., dissenting); *see*
5 *2021 Firearms Retailer: Survey Report*, NSSF, at 9 (2021), [https://perma.cc/N59Q-](https://perma.cc/N59Q-6UJJ)
6 [6UJJ](https://perma.cc/N59Q-6UJJ) (over 80% of handguns sold in the United States in 2020 were semiautomatic
7 pistols); *Firearm Production in the United States*, NSSF, at 2 (2023),
8 <https://perma.cc/P6A8-DZK2> (over 80% of handguns produced in the United States
9 between 1991 and 2021 were semiautomatic pistols). Indeed, four times the Supreme
10 Court has reviewed government attempts to restrict handguns. And four times, it has
11 struck down the challenged law. *Heller*, 554 U.S. 570; *McDonald*, 561 U.S. 742
12 (Chicago’s handgun ban); *Bruen*, 597 U.S. 1 (New York’s public-carry handgun
13 licensing regime); *Wolford*, 146 S. Ct. 2032 (Hawaii’s concealed-carry handgun
14 restriction). In the first three decisions, the Court described handguns as “the
15 quintessential self-defense weapon.” *Heller*, 554 U.S. at 629; *see McDonald*, 561 U.S.
16 at 767–68; *Bruen*, 597 U.S. at 21–22 (both quoting *Heller*). *Wolford*, also quoting
17 *Heller*, described handguns as “overwhelmingly chosen by American society” for
18 self-defense. 146 S. Ct. at 2041 (quoting *Heller*, 554 U.S. at 628) (internal quotations
19 omitted). The Supreme Court has been more than clear: handguns fall within the scope
20 of the Second Amendment protections.

21 There is no Glock exception to the Second Amendment. Even considered as
22 their own group (which, under *Heller*, they should not be), the banned handguns are
23 constitutionally protected. They are also unquestionably in common use for lawful
24 purposes. In fact, they are among the most popular handguns in the Nation. *See, e.g.,*
25 *How Glock became America’s gun*, CBS NEWS (Sep. 15,
26 2013), <https://perma.cc/J5E8-42UA>. Analysts estimate that, as of 2020, Glock held
27 nearly 65% of the U.S. market for handguns. According to one source, three Glock
28 handgun models made the top-25 for new guns sold in 2024, placing fourth, seventh,

1 and twenty-second. *See* Metesh, *Top Selling New Guns of 2024*, GUNS & AMMO (Jan.
2 14, 2025), <https://perma.cc/8A5Z-5VQN>. ATF has observed that Glocks are “popular
3 for civilian use.” *See Definition of “Frame or Receiver” and Identification of*
4 *Firearms*, 87 Fed. Reg. 24652, 24655 (Apr. 26, 2022).²

5 Government data confirm the popularity of these types of handguns. For
6 example, in 2024, Glock manufactured 419,510 handguns in the United States. *See*
7 *Annual Firearms Manufacturing and Export Report* at 15, ATF (2024), available at
8 <https://www.atf.gov/resource-center/data-statistics>. Of those, just 54,932 were
9 exported. *Id.* at 201. It follows that, in 2024 alone, Glock manufactured 364,578
10 handguns for sale in the United States.

11 That is to say nothing of imports. In 2021, 5,263,341 handguns were imported
12 into the United States. *See* ATF, *Firearms Commerce in the United States*, at 3 (2024),
13 available at: <https://perma.cc/P689-LX24>. Of those, 1,688,941 were imported from
14 Austria, *id.* at 5, where many Glocks are manufactured, *see* Glock, *Glock*
15 *Brand*, <https://perma.cc/2UWY-EARR> (last visited September 19, 2025). It is
16 therefore likely that, in 2021 alone, Glock imported hundreds of thousands of
17 handguns for sale in the United States.

18 Glock and Glock-style pistols are generally lawful to sell, acquire, and possess
19 throughout the United States.³ Given the overwhelming evidence that Glock pistols
20 are in common use, California cannot demonstrate its ban is consistent with the
21 Nation’s historical tradition of firearm regulation.

22 Section 27595 violates the constitutional right to keep and bear arms.

23 ² Glock pistols also are widely used by law enforcement officers in the United States.
24 *See* Clouse, *Is Glock Still the King of Semi-auto Pistols?*, LIBERTY SAFE (June 13,
25 2025), <https://perma.cc/84HV-PTTZ> (“[B]etween 40% and 65% of US law
26 enforcement agencies ... provide or specify Glock pistols for their officers.”); *Glock*
History, GLOCK, <https://perma.cc/CLZ5-9ATE> (“Over 65% of federal, state and
local agencies in the United States have been issued GLOCK pistols.”). Police officers
on the beat carry firearms for defensive use, just like other citizens.

27 ³ Since AB 1127’s passage, a handful of States (Connecticut, Maryland,
28 Massachusetts, and New York) have taken regulatory or legislative action to mimic
California’s restriction.

B. The Remaining Preliminary Injunction Factors Favor Plaintiffs.

As the Ninth Circuit explained in the Second Amendment context: “[I]n cases involving a constitutional claim, a likelihood of success on the merits usually establishes irreparable harm, ... and strongly tips the balance of equities and public interest in favor of granting a preliminary injunction.” *Baird*, 81 F.4th at 1040. There is no reason to depart from that conclusion here.

As this Court has observed, “[i]t is well-established that loss of ‘the enjoyment of Second Amendment rights constitutes irreparable injury.’” *Renna*, 667 F. Supp. 3d at 1071 (citation omitted). Here, the Plaintiffs cannot purchase Glock pistols and hence exercise their Second Amendment rights. Each day the prohibition remains in effect, Plaintiffs are denied the ability to acquire the firearm they identified for self-defense: “the core lawful purpose” of the Second Amendment. *Heller*, 554 U.S. at 630. Plaintiffs are irreparably harmed.

When the government is a party, the balance-of-equities and public-interest factors merge. *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014). Plaintiffs’ likelihood of succeeding on their Second Amendment claim “tips the merged third and fourth factors decisively in [their] favor.” *Baird*, 81 F.4th at 1042. This is because “it is always in the public interest to prevent the violation of a party’s constitutional rights.” *Am. Bev. Ass’n v. City & Cnty. of San Francisco*, 916 F.3d 749, 758 (9th Cir. 2019) (en banc) (citation omitted).

Conversely, the government “cannot suffer harm from an injunction that merely ends an unlawful practice” *Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir. 2013); *see also Zepeda v. U.S. I.N.S.*, 753 F.2d 719, 727 (9th Cir. 1983) (the State “cannot reasonably assert that it is harmed in any legally cognizable sense by being enjoined from constitutional violations”).

In short, the *Winter* factors unquestionably favor granting a preliminary injunction to preserve Californians’ Second Amendment protected rights.

1 **C. The Court Should Waive Bond Or Require Only Nominal Security.**

2 Because the State will not suffer monetary hardship and this matter involves a
3 constitutional violation and the public interest, the Court should either waive Rule
4 65(c)'s bond requirement or impose only a nominal bond. *Renna*, 667 F. Supp. 3d at
5 1071 (waiving bond); *see Save Our Sonoran, Inc. v. Flowers*, 408 F.3d 1113, 1126
6 (9th Cir. 2005) ("requiring nominal bonds is perfectly proper in public interest
7 litigation"); *City of South Pasadena v. Slater*, 56 F.Supp.2d 1106, 1148 (C.D. Cal.
8 1999) ("[c]ourts routinely impose no bond or minimal bond in public interest ...
9 cases").

10 **CONCLUSION**

11 For the reasons set forth above, the Court should enter a preliminary injunction
12 enjoining the enforcement of Penal Code § 27595(a)'s ban on semiautomatic
13 handguns with a cruciform trigger bar and allow the injunction to take effect to
14 maintain the status quo ante pending the ultimate resolution of the case on the merits.

15 Dated: August 4, 2026

Respectfully submitted,

16
17 /s/ Bradley A. Benbrook
18 Bradley A. Benbrook
19 Attorneys for Plaintiffs
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CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2026, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Southern District of California by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Bradley A. Benbrook
Bradley A. Benbrook