

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

JAMES HAMILTON,)	
)	
Plaintiff-Appellant,)	
)	Docket No. 16-1222
v.)	
)	
WILLIAM L. PALLOZZI, <i>ET AL.</i> ,)	
)	
Defendants-Appellees.)	

MOTION FOR LEAVE TO FILE BRIEF *AMICUS CURIAE* OF
GUN OWNERS OF AMERICA, INC., GUN OWNERS FOUNDATION,
UNITED STATES JUSTICE FOUNDATION, DOWNSIZE DC FOUNDATION,
DOWNSIZEDC.ORG, THE HELLER FOUNDATION,
CONSERVATIVE LEGAL DEFENSE AND EDUCATION FUND, AND
INSTITUTE ON THE CONSTITUTION
IN SUPPORT OF PLAINTIFF-APPELLANT AND REVERSAL

The movants, Gun Owners of America, Inc., Gun Owners Foundation, United States Justice Foundation, Downsize DC Foundation, DownsizeDC.org, The Heller Foundation, Conservative Legal Defense and Education Fund, and Institute on the Constitution, are educational organizations dedicated, *inter alia*, to educating the public on a variety of public policy issues, including the proper construction of the United States Constitution and federal laws affecting the rights of Americans. Through their undersigned counsel, the movants hereby request

leave of this Court to file their Brief *Amicus Curiae* in Support of Plaintiff-Appellant in the above-captioned action.

The grounds in support of this motion are as follows:

1. The movants, *amici curiae* Gun Owners of America, Inc., *et al.*, are educational organizations having an interest in the proper interpretation and construction of the Constitution and laws of the United States. All but Institute on the Constitution is exempt from federal taxation under section 501(c)(3) or 501(c)(4) of the Internal Revenue Code. This case presents questions of great importance concerning Americans' right to keep and bear arms.

2. Gun Owners of America, Inc., *et al.*'s *Amicus Curiae* Brief is timely. Rule 29(e) of the Federal Rules of Appellate Procedure provides that an *amicus curiae* brief must be filed "not later than 7 days after the principal brief of the party being supported is filed." In all other respects, Gun Owners of America, Inc., *et al.*'s *Amicus Curiae* Brief complies with the Federal Rules of Appellate Procedure, including with respect to content and form, F.R.A.P. 29(c), and with respect to length, F.R.A.P. 29(d), as the brief is no more than half the length allowed for the Plaintiff-Appellant's Brief.

3. Counsel for the movants have contacted counsel for Defendants-Appellees, who consented to the filing of Gun Owners of America, Inc., *et al.*'s

Brief *Amicus Curiae*. Counsel has also sought consent from Counsel for Plaintiff-Appellant, who declined to consent to the filing of this brief, requiring the filing of this motion.

4. The brief submitted with this motion by these *amici curiae* addresses a threshold issue that they believe this Court has a duty to address before addressing the Second Amendment issue posed by Plaintiff-Appellant. Specifically, this *amicus* brief explains why the State of Maryland is obligated by the U.S. Constitution's Full Faith and Credit Clause to give recognition to the restoration of Second Amendment rights by the Virginia Court. If the Court were to agree with the position of the *amici*, it would be unnecessary for the Court to reach Plaintiff's argument as presented.

5. These *amici* have filed *amicus curiae* briefs in dozens of other firearms related cases (listed in the Appendix). Most recently, this Court granted leave for many of these *amici* to file an *amicus curiae* brief in a Fourth Amendment case, Wikimedia v. NSA, No. 15-2560, on February 25, 2016.

WHEREFORE, the movants, *amici curiae* Gun Owners of America, Inc., *et al.*, pray that their motion be granted and that they be given leave to file their Brief *Amicus Curiae* in Support of Plaintiff-Appellant in this matter.

Respectfully submitted,

/s/ Robert J. Olson

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Appendix

Many of the *amici* in this case have filed *amicus curiae* briefs in the following firearms related cases:

- [U.S. v. Emerson](#), U.S.C.A. Fifth Cir., No. 99-10331 (Dec. 20, 1999)
- [State of Wyoming v. U.S.](#), District Court, Wyoming, No. 2:06-cv-00111-ABJ (Aug. 18, 2006)
- [U.S. v. Stanko](#), U.S.C.A. Eighth Cir., No. 06-3157 (Nov. 2, 2006);
- [Watson v. U.S.](#), On Writ of Certiorari, U.S. Supreme Court, No. 06-571 (May 4, 2007);
- [State of Wyoming v. U.S.](#), U.S.C.A. Tenth Cir., No. 07-8046 (Aug. 21, 2007);
- [D.C. v. Heller](#), On Writ of Certiorari, U.S. Supreme Court, No. 07-290 (Feb. 11, 2008);
- [U.S. v. Hayes](#), On Writ of Certiorari, U.S. Supreme Court, No. 07-608 (Sept. 26, 2008);
- [Akins v. U.S.](#), U.S.C.A. Eleventh Cir., No. 08-15640-FF (Nov. 26, 2008);
- [McDonald v. Chicago](#), On Petition for Writ of Certiorari, U.S. Supreme Court, No. 08-1521 (July 6, 2009);
- [McDonald v. Chicago](#), On Writ of Certiorari, U.S. Supreme Court No. 08-1521 (Nov. 23, 2009);
- [U.S. v. Skoien](#), U.S.C.A. Seventh Cir., No. 08-3770 (Apr. 2, 2010);
- [Heller v. D.C.](#), U.S.C.A. D.C. Cir., No. 10-7036 (July 30, 2010);

- [Nordyke v. King](#), U.S.C.A. Ninth Cir., No. 07-15763 (Aug. 18, 2010);
- [Skoien v. U.S.](#), On Petition for Writ of Certiorari, U.S. Supreme Court, No. 10-7005 (Nov. 15, 2010);
- [Smith v. Commonwealth of Virginia](#), Supreme Court of Virginia, No. 102398 (May 24, 2011);
- [MSSA v. Holder](#), U.S.C.A. Ninth Cir., No. 10-36094 (June 13, 2011);
- [Woollard v. Gallagher](#), U.S.C.A. Fourth Cir., No. 12-1437 (Aug. 6, 2012);
- [Abramski v. U.S.](#), On Petition for Writ of Certiorari, U.S. Supreme Court, No. 12-1493 (July 25, 2013);
- [Rosemond v. U.S.](#), On Writ of Certiorari, U.S. Supreme Court, No. 12-895 (Aug. 9, 2013);
- [Woollard v. Gallagher](#), On Petition for Writ of Certiorari, U.S. Supreme Court, No. 13-42 (Aug. 12, 2013);
- [NRA v. BATFE](#), On Petition for Writ of Certiorari, U.S. Supreme Court, No. 13-137 (Aug. 30, 2013);
- [Abramski v. U.S.](#), On Writ of Certiorari, U.S. Supreme Court, No. 12-1493 (Dec. 3, 2013);
- [U.S. v. Castleman](#), On Writ of Certiorari, U.S. Supreme Court, No. 12-1371 (Dec. 23, 2013);
- [Drake v. Jerejian](#), On Petition for Writ of Certiorari, U.S. Supreme Court, No. 13-827 (Feb. 12, 2014);
- [Shew v. Malloy](#), U.S.C.A. Second Cir., No. 14-319 (May 23, 2014);

- [Johnson v. U.S.](#), On Writ of Certiorari, U.S. Supreme Court, No. 13-7120 (July 3, 2014);
- [Jackson v. City & County of San Francisco](#), U.S.C.A. Ninth Cir., No. 12-17803 (July 3, 2014);
- [Heller v. D.C.](#), U.S.C.A. D.C. Cir., No. 14-7071 (Sept. 9, 2014);
- [Kolbe v. O'Malley](#), U.S.C.A. Fourth Cir., No. 14-1945 (Nov. 12, 2014);
- [Henderson v. U.S.](#), On Writ of Certiorari, U.S. Supreme Court, No. 13-1487 (December 15, 2014);
- [Jackson v. City & County of San Francisco](#), On Petition for Writ of Certiorari, U.S. Supreme Court, No. 13-765 (Jan. 15, 2015);
- [Peruta v. County of San Diego](#), U.S.C.A. Ninth Cir., Nos. 10-56971 & 11-16255 (Apr. 30, 2015);
- [Harris v. Silvester](#), U.S.C.A. Ninth Cir., No. 14-16840 (June 2, 2015);
- [Hollis v. Lynch](#), U.S.C.A. Fifth Cir., No. 15-10803 (Nov. 2, 2015);
- [United States v. One Palmetto Stat Armory PA-15 Machinegun Receiver](#), U.S.C.A. Third Cir., No. 15-2859 (Dec. 9, 2015); and
- [Voisine v. U.S.](#), On Writ of Certiorari, U.S. Supreme Court, No. 14-10154 (Dec. 23, 2015).

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that service of the foregoing Motion for Leave to File Brief *Amici Curiae* of Gun Owners of America, Inc., *et al.*, in Support of Plaintiff-Appellant and Reversal, was made, this 18th day of April, 2016, by the Court's Case Management/Electronic Case Files system upon the attorneys for the parties.

/s/ Robert J. Olson

Robert J. Olson
Attorney for *Amici Curiae*