

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

GUN OWNERS OF AMERICA, INC., *et al.*,

Plaintiffs-Appellants,

v.

U.S. DEPARTMENT OF JUSTICE, *et al.*,

Defendants-Appellees.

No. 24-1881

**MOTION FOR 30-DAY EXTENSION
OF TIME TO FILE RESPONSE BRIEF**

Pursuant to Federal Rule of Appellate Procedure 26(b) and 6th Circuit Rule 26(a)(1), the government respectfully moves for a 30-day extension of time, to and including May 8, 2025, in which to file its response brief. Plaintiffs oppose this motion. In support of this motion, the government states the following:

1. This case involves a challenge to a public safety advisory issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives. The advisory informs federal firearms licensees that ATF does not believe that concealed pistol licenses issued under Michigan law qualify as valid alternatives to a federal background check. *See* 18 U.S.C. § 922(t)(3) (providing that the Gun Control Act’s background-check requirements do not apply to “a firearm transfer between a licensee and another

person if” the transferee “present[s] to the licensee a” permit that meets certain requirements). Plaintiffs filed their opening brief on December 6, 2024. The government’s response brief is due, following two extensions, on April 8, 2025.

2. Following a change in administration, there is new agency leadership at the Department of Justice, the Federal Bureau of Investigation, and ATF. In addition, on February 7, 2025, President Trump issued an Executive Order titled *Protecting Second Amendment Rights*. See President Donald J. Trump, *Presidential Actions: Protecting Second Amendment Rights* (Feb. 7, 2025), <https://www.whitehouse.gov/presidential-actions/2025/02/protecting-second-amendment-rights>. Among other things, the Order directs the Attorney General to “examine” various “actions of executive departments and agencies” to “assess any ongoing infringements of the Second Amendment rights of our citizens, and present a proposed plan of action to the President, through the Domestic Policy Advisory, to protect the Second Amendment rights of all Americans.” *Id.* § 2(a).

As a result of the change in agency leadership as well as the President’s Executive Order, ATF leadership has been conducting a more comprehensive review of the Bureau’s previous determinations regarding which state permits qualify as background check alternatives under Section 922(t)(3). That review—which includes, but is not limited to, review of the determination regarding Michigan’s concealed pistol license that is challenged in this case—is in its final stages, but the agency requires a small amount of additional time to complete it. To provide time to

complete that review, the government respectfully requests that the Court extend the current deadline for the government's response brief by 30 days, to and including May 8, 2025. This extension will conserve judicial resources and promote the efficient and orderly disposition of this appeal, including by ensuring that any brief filed by the government before this Court will reflect the views of current agency leadership.

3. Plaintiffs' counsel has informed the government that plaintiffs oppose this motion.

Respectfully submitted,

MICHAEL S. RAAB

s/ Sean R. Janda

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APRIL 2025

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2025, I electronically filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit by using the appellate CM/ECF system and service will be accomplished on all parties through that system.

/s/ Sean R. Janda

Sean R. Janda

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g), I hereby certify that this motion complies with the requirements of Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Garamond, a proportionally spaced font, and that it complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 438 words, according to the count of Microsoft Word.

s/ Sean R. Janda

Sean R. Janda