

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

| | | |
|------------------------|---|---------------------------------------|
| Adam Richards, et al., |) | Case No. 2:09-cv-01235-MCE-DAD (TEMP) |
| |) | |
| Plaintiffs, |) | [PROPOSED] ORDER |
| |) | |
| v. |) | |
| |) | |
| Ed Prieto, et al., |) | |
| |) | |
| Defendants. |) | |

[PROPOSED] ORDER

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

There being no dispute of material fact, and Plaintiffs being entitled to summary judgment as a matter of law, the motion is granted.

Judgment shall be entered in favor of Plaintiffs and against Defendants.

The Court hereby declares that the “good moral character” and “good cause” provisions of California Penal Code § 12050 are unconstitutional on their face, and as applied to bar applicants who are otherwise legally qualified to possess firearms and who assert self-defense as their “good cause” for seeking a handgun carry permit.

Defendants, their 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 the “good moral character” and “good cause” requirements of California Penal Code § 12050 against handgun carry permit applicants who seek the permit for self-defense and are otherwise qualified to obtain a handgun carry permit under that section.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Plaintiffs to recover costs and attorney fees per 42 U.S.C. § 1988.

SO ORDERED.

This the ____ day of February, 2010.

The Hon. Morrison C. England, Jr.
United States District Judge