

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

Defense Distributed, *et al.*,

*Plaintiffs-Appellants,*

v.

Gurbir S. Grewal, Attorney General of  
New Jersey,

*Defendant-Appellee.*

No. 19-50723

**MOTION TO WITHDRAW  
PETITION FOR REHEARING  
*EN BANC***

Appellee New Jersey Attorney General Grewal (“NJAG”) moves to voluntarily withdraw his Petition for Rehearing *En Banc*. This motion is based on the following good cause:

1. On August 19, 2020, this Court reversed the district court and found that the NJAG is subject to the jurisdiction of the Texas courts for the purposes of the claims in Appellants’ operative complaint.
2. On September 2, 2020, the NJAG timely filed a Petition for Rehearing *En Banc* (“Petition”).
3. Had the NJAG not filed the Petition, the mandate in this case would have issued on September 10, 2020.

4. On September 4, 2020, Appellants filed a Motion for Injunction Pending Appeal (“Motion”). In that Motion, Appellants argue that they require prompt resolution of their request for an injunction and that the NJAG’s Petition, which stayed issuance of the mandate, precludes them from seeking such relief at the district court level.

5. Appellants’ Motion raises a number of factual disputes that have yet to be resolved, in the first instance, by the district court.

6. The NJAG requests that his Petition be withdrawn so that the mandate can issue forthwith—just one day after the mandate would have issued had the Petition not been filed—and so that these factual disputes can be addressed promptly by the district court.

7. The NJAG informed Appellants’ counsel of this motion, including the request for the mandate to issue forthwith, and Appellants’ counsel advised that they oppose the motion.

Based on the foregoing, the NJAG respectfully moves to voluntarily withdraw his Petition for Rehearing *En Banc*.

Respectfully submitted,

/s/ Jeremy M. Feigenbaum  
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## **CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT**

1. This document complies with the type-volume limit of Fed. R. App. P. 35(b)(2) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 263 words.
2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word in 14 point regular font.

Dated: September 11, 2020

/s/ Jeremy M. Feigenbaum  
Jeremy M. Feigenbaum

## **CERTIFICATE OF SERVICE**

I hereby certify that on September 11, 2020, I filed the foregoing Motion to Withdraw Petition for Rehearing *En Banc* with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Jeremy M. Feigenbaum  
Jeremy M. Feigenbaum