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

JANE ROE #1, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,

and

XAVIER BECERRA,

Defendants.

Case No. 1:19-cv-00270-DAD-BAM

**ANSWER**

1           The Federal Defendants—the United States of America; the U.S. Department of  
2 Justice and Attorney General William P. Barr; the Federal Bureau of Investigation and  
3 Director Christopher Wray; and the Bureau of Alcohol, Tobacco, Firearms and  
4 Explosives and Acting Deputy Director Regina Lombardo (who is automatically  
5 substituted for Thomas E. Brandon under Federal Rule of Civil Procedure 25(d))—  
6 respectfully answer the allegations of the Complaint as follows.

7           The Federal Defendants answer the numbered paragraphs of the Complaint as  
8 follows:

9           1.       This paragraph consists of Plaintiffs’ characterization of this lawsuit and  
10 legal conclusions, to which no response is required. To the extent that the anonymous  
11 plaintiffs allege facts particular to their circumstances, the Federal Defendants lack

1 information sufficient to respond to those allegations.

2           2.       This paragraph consists of Plaintiffs' summary of their requested relief, to  
3 which no response is required. To the extent that a response is required, the Federal  
4 Defendants deny that Plaintiffs are entitled to the requested relief or any relief at all.

5           3.       The Federal Defendants lack information sufficient to respond to the  
6 allegations regarding the anonymous plaintiff referred to as Jane Roe #1.

7           4.       The Federal Defendants lack information sufficient to respond to the  
8 allegations regarding the anonymous plaintiff referred to as Jane Roe #2.

9           5.       The Federal Defendants lack information sufficient to respond to the  
10 allegations regarding the anonymous plaintiff referred to as John Doe #1.

11           6.       The Federal Defendants lack information sufficient to respond to the  
12 allegations regarding the anonymous plaintiff referred to as John Doe #2.

13           7.       The Federal Defendants lack information sufficient to respond to the  
14 allegations regarding the anonymous plaintiff referred to as John Doe #3.

15           8.       The Federal Defendants lack information sufficient to respond to the  
16 allegations regarding the anonymous plaintiff referred to as John Doe #4.

17           9.       The Federal Defendants lack information sufficient to respond to the  
18 allegations regarding the anonymous plaintiff referred to as John Doe #5.

19           10.      The Federal Defendants lack information sufficient to respond to the  
20 allegations regarding the anonymous plaintiff referred to as John Doe #6.

21           11.      The Federal Defendants lack information sufficient to respond to the  
22 allegations regarding the Second Amendment Foundation, Inc.

23           12.      This paragraph consists of legal conclusions, to which no response is

1 required.

2 13. This paragraph consists of legal conclusions, to which no response is  
3 required. To the extent that a response is required, the Federal Defendants deny that 18  
4 U.S.C. § 922(g)(4) is unconstitutional in any respect.

5 14. Denied. The Federal Bureau of Investigation administers the National  
6 Instant Criminal Background Check System.

7 15. The Bureau of Alcohol, Tobacco, Firearms and Explosives denies that it is  
8 enforcing an unconstitutionally broad ban on the possession of firearms by certain  
9 individuals. The Bureau lacks information sufficient to respond to any allegations  
10 regarding the particular treatment of anonymous plaintiffs. The remainder of the  
11 paragraph consists of legal conclusions to which no response is required.

12 16. Admitted that William P. Barr is the Attorney General of the United  
13 States. The remainder of the paragraph consists of legal conclusions to which no  
14 response is required.

15 17. Admitted that Christopher A. Wray is the Director of the Federal Bureau  
16 of Investigation. The remainder of the paragraph consists of legal conclusions to which  
17 no response is required.

18 18. Denied. Regina Lombardo is the Acting Deputy Director of the Bureau of  
19 Alcohol, Tobacco, Firearms and Explosives; she is automatically substituted for Thomas  
20 E. Brandon under Federal Rule of Civil Procedure 25(d). The remainder of the paragraph  
21 consists of legal conclusions to which no response is required.

22 19. The Federal Defendants lack information sufficient to respond to the  
23 allegations regarding Xavier Becerra.

1           20.     The Federal Defendants lack information sufficient to respond to the  
2 allegations regarding Plaintiffs' present knowledge. The remainder of the paragraph  
3 consists of legal conclusions to which no response is required.

4           21.     This paragraph consists of legal conclusions to which no response is  
5 required.

6           22.     This paragraph consists of legal conclusions to which no response is  
7 required.

8           23.     This paragraph consists of legal conclusions to which no response is  
9 required.

10          24.     This paragraph consists of legal conclusions to which no response is  
11 required.

12          25.     The Federal Defendants are unaware of the true identities of any  
13 anonymous plaintiffs, nor any facts or circumstances associated with them, and therefore  
14 deny such knowledge. The remainder of the paragraph consists of legal conclusions to  
15 which no response is required.

16          26.     Admitted that the National Instant Criminal Background Check System is  
17 used by Federal Firearms Licensees to instantly determine whether a prospective buyer is  
18 eligible to buy firearms. The Court is referred to Bureau of Alcohol, Tobacco, Firearms  
19 and Explosives Form 4473 for a complete and accurate statement of its contents. The  
20 remainder of this paragraph consists of legal conclusions to which no response is  
21 required.

22          27.     Admitted that the Federal Bureau of Investigation operates the National  
23 Instant Criminal Background Check System. The remainder of this paragraph consists of

1 legal conclusions to which no response is required.

2 28. This paragraph consists of legal conclusions to which no response is  
3 required.

4 29. The Federal Defendants lack information sufficient to respond to these  
5 allegations regarding facts as they existed in 2015.

6 30. This paragraph consists of legal conclusions to which no response is  
7 required.

8 31. The Federal Defendants lack information sufficient to respond to these  
9 allegations regarding the state of California.

10 32. This paragraph consists of legal conclusions to which no response is  
11 required. The Federal Defendants refer the Court to the text of the statute for a full and  
12 complete statement of its contents.

13 33. The Federal Defendants lack information sufficient to respond to these  
14 allegations regarding the state of California.

15 34. This paragraph consists of legal conclusions to which no response is  
16 required.

17 35. The Federal Defendants lack information sufficient to respond to the  
18 allegations regarding the anonymous plaintiff referred to as Jane Roe #1, or any of the  
19 other anonymous plaintiffs.

20 36. The Federal Defendants lack information sufficient to respond to the  
21 allegations regarding the anonymous plaintiffs.

22 37. The Federal Defendants lack information sufficient to respond to the  
23 allegations regarding the anonymous plaintiffs.

1           38.     The Federal Defendants lack information sufficient to respond to the  
2 allegations regarding the anonymous plaintiffs.

3           39.     The Federal Defendants lack information sufficient to respond to the  
4 allegations regarding the anonymous plaintiffs.

5           40.     The Federal Defendants lack information sufficient to respond to the  
6 allegations regarding the anonymous plaintiff referred to as John Doe #4.

7           41.     The Federal Defendants lack information sufficient to respond to the  
8 allegations regarding the anonymous plaintiffs.

9           42.     The Federal Defendants lack information sufficient to respond to the  
10 allegations regarding the anonymous plaintiffs.

11           43.     The Federal Defendants lack information sufficient to respond to the  
12 allegations regarding the anonymous plaintiffs. The remainder of this paragraph consists  
13 of legal conclusions and speculation to which no response is required.

14           44.     This paragraph incorporates paragraphs 1 through 43 by reference. The  
15 Federal Defendants incorporate their responses by reference.

16           45.     The Federal Defendants refer the Court to the Second Amendment to the  
17 United States Constitution for a full and complete statement of its contents.

18           46.     Denied as to the Federal Defendants.

19           47.     This paragraph incorporates paragraphs 1 through 46 by reference. The  
20 Federal Defendants incorporate their responses by reference.

21           48.     The Federal Defendants refer the Court to the Second Amendment to the  
22 United States Constitution for a full and complete statement of its contents.

23           49.     This paragraph consists of legal conclusions, to which no response is

1 required. To the extent that a response is required, the Federal Defendants deny that 18  
2 U.S.C. § 922(g)(4) is unconstitutional in any respect.

3 50. This paragraph incorporates paragraphs 1 through 49 by reference. The  
4 Federal Defendants incorporate their responses by reference.

5 51. The Federal Defendants refer the Court to the Fifth Amendment to the  
6 United States Constitution for a full and complete statement of its contents.

7 52. This paragraph consists of legal conclusions, to which no response is  
8 required. To the extent that a response is required, the Federal Defendants deny that they  
9 were responsible for any alleged constitutional deficiencies in the commitment hearings  
10 of the anonymous plaintiffs.

11 53. This paragraph consists of legal conclusions, to which no response is  
12 required. To the extent that a response is required, the Federal Defendants deny the  
13 allegations.

14 54. This paragraph incorporates paragraphs 1 through 53 by reference. The  
15 Federal Defendants incorporate their responses by reference.

16 55. The Federal Defendants refer the Court to the Fourteenth Amendment to  
17 the United States Constitution for a full and complete statement of its contents.

18 56. This paragraph consists of legal conclusions, to which no response is  
19 required. To the extent that a response is required, the Federal Defendants deny that they  
20 were responsible for any alleged constitutional deficiencies in the commitment hearings  
21 of the anonymous plaintiffs.

22 57. This paragraph makes allegations against Xavier Becerra alone, as to  
23 which the Federal Defendants lack information sufficient to respond.

1           58.     This paragraph incorporates paragraphs 1 through 53 by reference. The  
2 Federal Defendants incorporate their responses by reference.

3           59.     This paragraph consists of legal conclusions, to which no response is  
4 required. To the extent that a response is required, the Federal Defendants deny the  
5 allegations.

6           60.     This paragraph consists of legal conclusions, to which no response is  
7 required. To the extent that a response is required, the Federal Defendants lack  
8 information sufficient to respond to the allegations regarding the anonymous plaintiffs.

9           The remainder of the Complaint consists of Plaintiffs' prayer for relief, to which  
10 no response is required. To the extent that a response is required, the Federal Defendants  
11 deny the allegations contained in the prayer for relief and deny that Plaintiffs are entitled  
12 to the requested relief or any relief whatsoever.

13           The Federal Defendants deny any and all allegations of the complaint not  
14 expressly admitted herein.

Respectfully submitted this 8th day of July, 2019,

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Assistant Attorney General

JOHN R. TYLER  
Assistant Director  
Federal Programs Branch

/s/ James Bickford  
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