

# United States Court of Appeals

For the Eighth Circuit  
St. Louis, Missouri, 63102

EDWARD F. PLASTINO and	)	
SECOND AMENDMENT FOUNDATION, INC.,	)	Appeal from the United
	)	States District Court for
Appellants,	)	the Eastern District of
	)	Missouri, Eastern
v.	)	Division
	)	
CHRIS KOSTER, in his Official Capacity as	)	Case No. 4:12-CV-1316
Attorney General of the State of Missouri; and	)	
TOM NEER, in his Official Capacity as	)	Charles A. Shaw, District
Sheriff of St. Charles County, Missouri,	)	Judge
	)	
Appellees.	)	

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## F.R.APP.P. 42(b) MOTION TO VOLUNTARILY DISMISS APPEAL

Plaintiffs-Appellants, EDWARD F. PLASTINO and SECOND AMENDMENT FOUNDATION, INC. (hereinafter “Appellants”), pursuant to F.R.App.P. 42(b), hereby move to voluntarily dismiss their appeal in this matter. In support thereof, Appellants state as follows:

1. Appellants challenged Revised Statutes of Missouri § 571.101.2(1), which denied concealed carry permits to non-citizens. Appellants sought a preliminary injunction, which was denied. The denial of the Motion for Preliminary Injunction is the subject of the pending appeal.

2. Since this appeal has been filed, MRS § 571.101.2(1)) was amended by the recently enacted SB75, to now allow lawful resident aliens to obtain concealed carry permits.

3. Further, since this appeal was filed, Appellant Plastino has received his concealed-carry permit.

4. Therefore, the Appellants contend the subject matter of the appeal is now moot and request this appeal be dismissed, each party to bear its own costs.

5. Appellant's Counsel, by signature below, swears to the factual matter contained herein as an Affidavit.

Dated: October 10, 2013

Respectfully submitted,

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By: /s/ David G. Sigale  
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One of the Attorneys for Appellants