

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

October 28, 2019

ACO-009-E

Nos. 19-1729 & 19-3182

DEFENSE DISTRIBUTED; SECOND AMENDMENT FOUNDATION INC;
FIREARMS POLICY COALITION INC; FIREARMS POLICY FOUNDATION;
CALGUNS FOUNDATION; CALIFORNIA ASSOCIATION OF FEDERAL
FIREARMS LICENSEES INC;
BRANDON COMBS,
Appellants

v.

ATTORNEY GENERAL STATE OF NEW JERSEY

(D.N.J. No. 3-19-cv-04753)

Present: MCKEE, SHWARTZ and PHIPPS, Circuit Judges

1. Motion by Appellee for Summary Affirmance;
2. Motion by Appellants for an Injunction Pending Appeals;
3. Response by Appellants to Appellee's Motion for Summary Affirmance;
4. Response in Opposition by Appellee to Motion for Injunction Pending Appeals;
5. Reply by Appellee in Support of Motion for Summary Affirmance;
6. Reply by Appellants in Support of Motion for Injunction Pending Appeal.

Respectfully,
Clerk/pdb

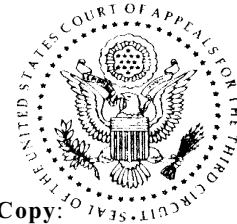
ORDER

The foregoing appeals are dismissed for lack of appellate jurisdiction and the Motion for Summary Affirmance is denied as moot.¹ Generally, we may only hear appeals from “final decisions of the district courts of the United States.” 28 U.S.C. § 1291. Appellants have appealed the district court’s orders staying all proceedings and dismissing a pending preliminary injunction without prejudice to being refiled following the resolution of a related action in the Western District of Texas that is now on appeal before the Fifth Circuit Court of Appeals. First, the order staying the matter is not final. Second, appellate courts generally lack jurisdiction over issues that have been dismissed without prejudice. *See Fed. Home Loan Mortgage Corp. v. Scottsdale Ins. Co.*, 316 F.3d 431, 438-40 (3d Cir. 2003). Appellants have presented no argument warranting a different result. Thus, this Court is without jurisdiction to hear this appeal because the challenged orders are not appealable under 28 U.S.C. § 1291.

By the Court,

s/ Theodore A. McKee
Circuit Judge

Dated: November 21, 2019
PDB/cc: All Counsel of Record



A True Copy:

Patricia A. Dodszuweit

Patricia S. Dodszuweit, Clerk
Certified Order Issued in Lieu of Mandate

¹ The Honorable Peter J. Phipps would hold that the Court has jurisdiction to hear the appealed district court orders and Motion for Summary Affirmance.

PATRICIA S. DODSZUWEIT

CLERK



OFFICE OF THE CLERK

UNITED STATES COURT OF APPEALS

21400 UNITED STATES COURTHOUSE
601 MARKET STREET

PHILADELPHIA, PA 19106-1790

Website: www.ca3.uscourts.gov

TELEPHONE

215-597-2995

November 21, 2019

Joshua Blackman
1303 San Jacinto Street
Houston, TX 77002

Charles Flores
Beck Redden
1221 McKinney Street
Suite 4500
Houston, TX 77010

Glenn J. Moramarco
Office of Attorney General of New Jersey
Department of Law & Public Safety
25 Market Street
Richard J. Hughes Complex
Trenton, NJ 08625

Daniel N. Nightingale
Beck Redden
1221 McKinney Street
Suite 4500
Houston, TX 77010

Hannah Roblyer
Beck Redden
1221 McKinney Street
Suite 4500
Houston, TX 77010

Daniel L. Schmutter
Hartman & Winnicki
74 Passaic Street
Suite 101
Ridgewood, NJ 07650

RE: Defense Distributed, et al v. Attorney General New Jersey

Case Number: 19-1729

District Court Case Number: 3-19-cv-04753

ENTRY OF JUDGMENT

Today, **November 21, 2019** the Court issued a case dispositive order in the above-captioned matter which serves as this Court's judgment. Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

Form Limits:

3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App. P. 32(g).

15 pages if hand or type written.

Attachments:

A copy of the panel's opinion and judgment only.

Certificate of service.

Certificate of compliance if petition is produced by a computer.

No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. Pursuant to Fed. R. App. P. 35(b)(3), if separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to the form limits as set forth in Fed. R. App. P. 35(b)(2). If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

For the Court,

s/ Patricia S. Dodszuweit,
Clerk

s/ pdb Case Manager

cc:

Mr. William T. Walsh