

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

MICHAEL CARGILL and §  
CTC HGC, LLC, §  
*Plaintiffs,* §  
§  
v. § Civil Action No. \_\_\_\_\_  
§  
BUREAU OF ALCOHOL, TOBACCO, §  
FIREARMS AND EXPLOSIVES; ATF §  
DIRECTOR STEVEN DETTELBACH, §  
in his official capacity; ATTORNEY §  
GENERAL MERRICK GARLAND, §  
in his official capacity; UNITED STATES §  
DEPARTMENT OF JUSTICE; and §  
UNITED STATES OF AMERICA, §  
*Defendants.* §

**COMPLAINT**

Plaintiffs Michael Cargill and CTC HGC, LLC seek relief from this Court against Defendants the Bureau of Alcohol, Tobacco, Firearms and Explosives (the “ATF”), ATF Director Steven Dettelbach, in his official capacity, Attorney General Merrick Garland, in his official capacity, the United States Department of Justice, and the United States of America.

**INTRODUCTION**

This lawsuit challenges a federal agency’s unlawful enforcement of the Gun Control Act of 1968 (the “Act”), codified in 18 U.S.C. § 921 *et seq.*

The ATF administers and regulates federal firearms licenses (“FFLs”), which grant the holder the right to sell firearms. For decades, the relationship between the ATF and licensees was generally collaborative. The ATF would inspect licensees for compliance with the Act and educate licensees who made inadvertent mistakes with

the goal of improving compliance. This helped licensees assist law enforcement efforts, prevent the diversion of firearms from lawful commerce, ensure successful tracing of firearms, and protect the public. Revocation of an FFL was an exceedingly rare action by the ATF and reserved only for the worst actors. For example, in 2013, the ATF only sought revocation of FFLs in 81 out of over 10,500 inspections.<sup>1</sup>

This made sense, as the Act allows license revocations for “willful[]” violations. 18 U.S.C. § 923(e). But everything changed in the summer of 2021, when the Biden Administration announced a new policy to enforce the Act against licensees who inadvertently fail to comply.<sup>2</sup> As part of this effort, the Acting Assistant Director of the ATF George Lauder issued a memorandum instructing ATF Special Agents in Charge and Directors of Industry Operations to revoke FFLs for a single violation in many circumstances.<sup>3</sup> Since then, revocations have increased over 500%, as the ATF has effectively written the word “willful” out of the statute by instituting a policy of revoking FFLs for inadvertent paperwork errors.

This new definition of “willful” violates the plain language of the governing statute and puts all law-abiding licensees at risk of revocation for minor and inconsequential paperwork errors that do not pose a threat to public safety, nor result

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<sup>1</sup> Bureau of Alcohol, Tobacco, Firearms and Explosives, *Fact Sheet: Federal Firearms License Revocation Process* (May 2014), attached as Exhibit A.

<sup>2</sup> The White House, *Fact Sheet: Biden-Harris Administration Announces Comprehensive Strategy to Prevent Gun Violence and Ensure Public Safety*, available at: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/23/fact-sheet-biden-harris-administration-announces-comprehensive-strategy-to-prevent-and-respond-to-gun-crime-and-ensure-public-safety/> (June 23, 2021).

<sup>3</sup> See George Lauder, *Implementation of the Administration’s Comprehensive Strategy to Prevent and Respond to Gun Crime and Ensure Public Safety* (July 14, 2021), attached as Exhibit B.

in prohibited possessors obtaining firearms. Plaintiffs, who operate a gun store in Texas, seek a declaration that the ATF's new enforcement policy violates the Act and a permanent injunction preventing Defendants from ignoring the Act's requirement that violations be willful.

### **JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question jurisdiction) because this action arises under the United States Constitution; 28 U.S.C. § 1346(a)(2), because this suit constitutes a civil action against an executive department of the United States; and 5 U.S.C. §§ 702 and 706 (providing for judicial review of agency action).

2. This Court has the authority to grant declaratory relief under 28 U.S.C. § 2201 and preliminary and permanent injunctive relief under 28 U.S.C. § 2202.

3. Venue is proper within this judicial district pursuant to 5 U.S.C. § 703 and 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions asserted by Plaintiffs arose within this judicial district. Venue is proper within the Austin Division pursuant to 28 U.S.C. § 124(d).

### **PARTIES**

4. Plaintiff Michael Cargill ("Cargill" or "Plaintiff") owns and operates Central Texas Gun Works in Austin, Texas.

5. Plaintiff CTC HGC, LLC is a Texas limited liability company owned by Michael Cargill and holds a federal firearms license. Plaintiffs assert the claims herein on behalf of both themselves and their customers as explained below.

6. Defendant United States of America is a government entity.

7. Defendant Bureau of Alcohol, Tobacco, Firearms and Explosives is an agency of the United States and responsible for administrating and enforcing the Gun Control Act.

8. Defendant Steven Dettelbach is the Director of the ATF and is sued in his official capacity.

9. Defendant United States Department of Justice is an agency of the United States and is also responsible for administrating and enforcing the Gun Control Act.

10. Defendant Attorney General Merrick Garland is the head of the Department of Justice and is sued in his official capacity.

## FACTS

### A. *The Act's regulatory scheme.*

11. Congress passed the Act in 1968. 18 U.S.C. § 921 *et seq.*

12. The Act sets up a comprehensive scheme for regulating FFLs.

13. The Attorney General has delegated authority to enforce the Act to the ATF. 28 C.F.R. § 0.130.

14. If an applicant fulfills the statutory requirements for a license, it “shall be approved.” 18 U.S.C. § 923(d).

15. The Act also gives the Attorney General the statutory authority to revoke licenses. 18 U.S.C. § 923(e).

16. The Act “imposes significant record-keeping obligations upon firearms dealers.” *Fairmont Cash Mgmt., LLC v. James*, 858 F.3d 356, 362 (5th Cir. 2017).

17. The Act requires licensees to keep records of their sales through a firearms transaction record, commonly called a Form 4473. 18 U.S.C. § 923(g); 27 C.F.R. § 478.124. The Form 4473 requires almost 100 data inputs.

18. Licensees must also contact the national instant criminal background check system (“NICS”) before completing a transfer. 18 U.S.C. § 922(t).

19. The ATF inspects licensees for compliance with the Act.

20. Generally, the ATF conducts these inspections less than once per year.

*See* 18 U.S.C. § 923(g)(1)(B).

21. The Act only allows revocation when a licensee “willfully” violates a provision of the Act, or a rule prescribed by the Attorney General or fails to have secure gun storage or safety devices. 18 U.S.C. § 923(e).

22. The Act does not define “willfully,” but the Fifth Circuit has held it requires that a licensee know of “his legal obligation and purposefully disregarded or was plainly indifferent to the record-keeping requirements.” *Fairmont Cash Mgmt., LLC v. James*, 858 F.3d 356, 362 (5th Cir. 2017).

***B. The DOJ and ATF’s decades-long revocation policy focused on compliance, not punishment.***

23. Prior to 2021, the ATF had an enforcement policy that generally focused on compliance and education. *See, e.g.*, Exhibit A (“ATF industry operations investigators (IOI) conduct inspections of [licensees] to ensure compliance with the law and regulations and to educate licensees on the specific requirements of those laws and regulations.”).

24. Specifically, the ATF would “assist with business practices designed to improve compliance with the [Act].” Exhibit A.

25. It would only revoke on “rare occasions” when it “encounters a licensee who fails to comply with the laws and regulations and demonstrates a lack of commitment to improving his or her business practices.” Exhibit A.

26. Further, “revocation actions are seldom initiated until after a licensee has been educated on the requirements” of the Act, and revocations were only for the most serious violations such as failing to account for firearms, failure to verify and document purchaser eligibility, failure to maintain records requisite for successful firearms tracing, and failure to report multiple sales of handguns. Exhibit A.

27. In other words, the ATF did not seek revocation for a handful of accidental paperwork errors that may occur among the thousands of transactions a licensee processes.

28. Such an enforcement policy makes intuitive sense, and, more importantly, is in line with the statutory requirement that violations be “willful[ ].”

29. The ATF’s own prior enforcement orders reflected this willfulness requirement: “The term willfulness means a purposeful disregard of, a plain indifference to, or reckless disregard of a known legal obligation.” ATF O 5370.1D (10/02/2019).

30. ATF statistics also reflect this collaborative approach. In 2020, for example, ATF only successfully sought revocation 40 times out of 5,823 inspections. ATF, *Firearms Compliance Inspections*, available at: <https://www.atf.gov/firearms/compliance-inspections>.

31. This is, despite the fact that, in 2020, only 56% percent of inspections resulted in “no violation” reports. The rest (2,546) contained some sort of violation. *Id.*

32. The far more common response to violations of the Act were a “Report of violations” (1,289 instances), a “Warning letter” (804), or a “Warning conference” (306). *Id.*

33. In 2021, licensees did even better, as the ATF sought revocation in only 27 out 6,639 inspections. ATF, *Fact Sheet: Facts and Figures for Fiscal Year 2021*, available at: <https://www.atf.gov/resource-center/fact-sheet/fact-sheet-facts-and-figures-fiscal-year-2021>.

**C. *Defendants change their enforcement policy to a de facto strict liability regime.***

34. After the Biden Administration announced its comprehensive strategy to overhaul gun laws in June 2021,<sup>4</sup> the ATF issued a memorandum to all Special Agents in Charge and Directors of Industry Operations that alerted them that single violations should now result in revocation proceedings. Exhibit B.

35. The Department of Justice was explicit in announcing it would be changing its enforcement regime: “But for those dealers who willfully break the law and put public safety at risk by violating certain ATF requirements, ATF will seek to

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<sup>4</sup> The White House, *Fact Sheet: Biden-Harris Administration Announces Comprehensive Strategy to Prevent Gun Violence and Ensure Public Safety*, available at: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/23/fact-sheet-biden-harris-administration-announces-comprehensive-strategy-to-prevent-and-respond-to-gun-crime-and-ensure-public-safety/> (June 23, 2021).

revoke their licenses pursuant to its *zero-tolerance* approach, absent exceptional circumstances.”<sup>5</sup>

36. Further, the memorandum alerted Special Agents in Charge and Directors of Industry Operations that there will be a new enforcement order—a new ATF O 5370.1D—that will “set forth revised procedures for processing FFL inspections that result in findings of violations listed above<sup>6</sup> or other violations that merit revocations.” Exhibit B.

37. If any of the listed violations are found during the inspection, the ATF will seek revocation “absent extraordinary circumstances.” Exhibit B.

38. This new Enforcement Policy has resulted in a staggering increase in revocation recommendations.

39. Since announcing this new policy, the ATF has initiated at least 273 revocation proceedings, and likely many more.

40. Upon information and belief, the new Enforcement Policy is to revoke FFLs for inadvertent paperwork errors that do not result in prohibited possessors obtaining firearms.

41. The effect of this new policy is to remove “willfully” from the statute. This results in a strict liability regime, where accidental typos and other minor paperwork errors could cost business owners their livelihoods.

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<sup>5</sup> Department of Justice, *Justice Department: Violent Crime Reduction Efforts*, available at: <https://www.justice.gov/file/1468221/download>, attached as Exhibit C.

<sup>6</sup> The five violations listed are: (1) the transfer of a firearm to a prohibited person; (2) failing to conduct a required background check; (3) falsification of records, such as a firearms transaction form; (4) failing to respond to an ATF tracing request; and (5) refusing to permit ATF to conduct an inspection in violation of the law.

**D. Plaintiffs reasonably fear that Defendants will revoke their FFL under the new policy.**

42. Plaintiffs are licensees that operate a gun shop called Central Texas Gun Works in Austin, Texas. Affidavit of Michael Cargill, attached as Exhibit D.

43. In addition to selling firearms, Plaintiffs also offer classes and firearm training. *Id.*

44. The classes and training include opportunities to obtain Texas License to Carry a Handgun classes and time in a firing range. *Id.*

45. The ATF last inspected Central Texas Gun Works in August of 2018. *Id.*

46. During the period covered by the 2018 inspection, Central Texas Gun Works processed approximately 6,500 firearm transactions. *Id.*

47. After that inspection, the ATF cited Central Texas Gun Works for four different types of violations, in a total of 35 transactions, for an error rate of about 0.5%. *Id.*

48. None of the violations resulted in a prohibited possessor obtaining a firearm. *Id.*

49. The ATF issued a report of violations and did not recommend revocation. *Id.*

50. Instead, as was common practice before the policy change, the report instructed Plaintiffs to take simple corrective actions. For instance, Plaintiffs were instructed to “ensure that when executing an ATF form 4473, all of the information called for [on the form] is accurately and completely provided[.]” *Id.*

51. Plaintiffs seek to abide by the Act and have instituted remedial measures in order to comply with the law, including purchasing a software system that more accurately tracks transactions and required background checks. *Id.*

52. Nevertheless, the new standard applied by the ATF would be virtually impossible to meet when accounting for the volume of transactions that Plaintiffs complete.

53. Specifically, as applied to the last inspection, all four of the types of violations listed in the inspection report would fall under the ATF's new policy regarding falsification of records and would result in a revocation recommendation, despite the fact that none of the violations were actually willful.

54. The ATF would recommend revocation despite the fact that there is no evidence Plaintiffs intended to falsify the records or were indifferent to their duty to fill out the forms accurately.

55. Further, none of these paperwork errors resulted in a transfer of a firearm to a prohibited possessor. *Id.*

56. It is unreasonable and inconsistent with the statute to require a licensee to be perfect when seeking to comply with the Act. This is especially true given that Plaintiff's business has expanded to more than 8,000 transactions a year since his last inspection. *Id.*

57. Plaintiffs are still subject to revocation on the basis of the 2018 inspection report, and rightly fear such based on Defendants' new enforcement policies.

58. Plaintiffs are aware of at least one FFL licensee who received a recommendation of revocation based on an inspection that occurred over 15 months prior to the recommendation.

**COUNT I**

**AGENCY ACTION VIOLATES THE GUN CONTROL ACT**

59. Plaintiffs reallege and incorporate by reference the preceding paragraphs.

60. An agency conclusion regarding the applicability of federal law is final agency action if it marks the end of the decision-making process and all that is left is enforcement.

61. Defendants' intent to apply the Enforcement Policy has been confirmed by their subsequent actions against licensees in administrative hearings.

62. Congress's intent is best determined by the words the Act.

63. Every word of the statute must be given effect.

64. The Act requires violations to be "willful[]" in order to result in revocation of an FFL.

65. The Enforcement Policy is inconsistent with the Act because it sweeps in inadvertent violations and does not require violations to be intentional, reckless, or that licensees were indifferent to the Act's requirements.

66. As a result, Plaintiffs are subject to a regulation that is contrary to law and are entitled to a declaratory judgment and permanent injunction barring Defendants from applying the Enforcement Policy to them and all those similarly situated.

**COUNT II**

**AGENCY ACTION VIOLATES PLAINTIFFS' SECOND AMENDMENT  
RIGHTS**

67. Plaintiffs have a right to buy and sell firearms.
68. As a vendor, Plaintiffs are also able to bring claims on behalf of their customers. *Craig v. Boren*, 429 U.S. 190, 195 (1976).
69. The right to “possess firearms for protection implies a corresponding right to acquire and maintain proficiency in their use; the core right wouldn’t mean much without the training and practice that make it effective.” *Ezell v. City of Chicago*, 651 F.3d 684, 704 (7th Cir. 2011).
70. If Plaintiffs’ FFL is revoked under this unlawful enforcement policy, it will not only infringe on Plaintiffs’ rights, but also burden the Second Amendment rights of their customers.
71. The downstream effects of Defendants’ Enforcement Policy is to severely limit the availability of lawful gun ownership.
72. Plaintiffs are in the best position to defend the Second Amendment rights of themselves and their customers because they are directly regulated by Defendants.
73. There is a hindrance to individual gun owners’ ability to protect their own interests because they rely on licensees to purchase firearms.
74. Reducing the availability of lawful gun ownership burdens citizens’ right to individual self-defense. *See N.Y. State Rifle & Pistol Ass’n v. Bruen*, 142 S. Ct. 2111, 2133 (2022).

75. The Enforcement Policy will make it harder for citizens to obtain firearms, train with them, and maintain them for the purpose of self-defense.

76. Such a burden is not justified by a handful of paperwork errors, nor is it consistent with the Nation's historical tradition of firearm regulation.

**COUNT III**

**EQUITABLE RELIEF FOR AN ONGOING VIOLATION OF FEDERAL LAW**

77. Plaintiffs incorporate the allegations in the foregoing paragraphs as if set forth fully herein.

78. This Court has authority under Article III of the Constitution to issue an injunction against federal officials acting in their official capacities when that injunction will prevent an ongoing violation of federal law or an ongoing violation of constitutional rights.

79. Defendants Dettelbach and Garland are federal officials with authority to interpret and enforce the Act. They also oversee and direct other federal officials in the interpretation and application of the Act.

80. Acting in their official capacities, Defendants Dettelbach and Garland instituted a new Enforcement Policy that contradicts the Act.

81. Defendants Dettelbach and Garland, or their agents, have since enforced this policy against many licensees.

82. Upon information and belief, Defendants Dettelbach and Garland will take this same unlawful position in the future.

83. This *de facto* strict liability policy violates the gun control act and the Second Amendment.

84. By adopting the Enforcement Policy, Defendants Dettelbach and Garland burden the Second Amendment rights of Plaintiffs and their customers.

85. An actual and substantial controversy exists between Plaintiffs and Defendants as to their legal rights and duties with respect to whether the ATF Enforcement Policy violates Federal Statute and the United States Constitution.

86. The case is presently justiciable because the Enforcement Policy applies to Plaintiffs as they are subject to possible revocation, which constitutes irreparable harm.

87. Declaratory relief is therefore appropriate to resolve this controversy.

#### **PRAYER FOR RELIEF**

Pursuant to 28 U.S.C. § 2201 and Fed. R. Civ. P. 57, it is appropriate and proper that a declaratory judgment be issued by this Court, declaring that Defendants' Enforcement Policy is contrary to federal law.

Furthermore, pursuant to 28 U.S.C. § 2202 and Fed. R. Civ. P. 65, it is appropriate and hereby requested that the Court issue a permanent injunction prohibiting Defendants from enforcing the new policy.

WHEREFORE, Plaintiffs pray for judgment against Defendants and that the Court:

- (1) Declare that Defendants' Enforcement Policy violates the Gun Control Act, the Administrative Procedures Act, and the U.S. Constitution;
- (2) Hold unlawful and set aside Defendants' Enforcement Policy;

- (3) Issue a permanent injunction against the Defendants, as well as all agents, administrators, employees, or other persons acting on behalf of the Defendants, from enforcing the Enforcement Policy;
- (4) Award Plaintiffs their costs and expenses incurred in bringing this action, including, but not limited to, reasonable attorney fees pursuant to 28 U.S.C. § 2412; and
- (5) Grant such other and further relief as the Court deems equitable, just, and proper.

Respectfully submitted,

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# **EXHIBIT A**

Bureau of Alcohol, Tobacco, Firearms and Explosives



## Fact Sheet



Public Affairs Division - Washington DC

Contact: Public Affairs Division

May 2014

[www.atf.gov](http://www.atf.gov)

### FEDERAL FIREARMS LICENSE REVOCATION PROCESS

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is responsible for licensing persons engaged in manufacturing, importing, and dealing in firearms. ATF also ensures that those who are licensed to engage in those businesses do so in compliance with applicable laws and regulations. It is critical that Federal Firearms Licensees (FFL) comply with the Gun Control Act (GCA) and its implementing regulations in order to assist law enforcement efforts, prevent the diversion of firearms from lawful commerce to the illegal market, ensure successful tracing of firearms, and to protect the public.

ATF industry operations investigators (IOI) conduct inspections of FFLs to ensure compliance with the law and regulations and to educate licensees on the specific requirements of those laws and regulations. IOIs assist with business practices designed to improve compliance with the GCA. If violations are discovered during the course of an FFL inspection, the tools that ATF has available to guide the FFL into correction of such violations and to ensure future compliance include issuing a Report of Violations, sending a warning letter, and holding a warning conference with the industry member. Despite these actions, on rare occasions ATF encounters a licensee who fails to comply with the laws and regulations and demonstrates a lack of commitment to improving his or her business practices. In such cases where willfulness is demonstrated, ATF's obligation to protect public safety may require revocation of the FFL.

There about 74,500 FFLs engaged in business in fiscal year 2013. During that time, ATF conducted more than 10,500 firearms compliance inspections and sought revocation of firearms licenses on 81 occasions.

Part of ATF's core mission is to protect the public from violent crime involving the use of firearms. The FFLs who willfully violate the laws and regulations preventing FFL from accomplishing its mission to protect the public we serve are few. Willfulness is not defined in the regulations, but is defined by case law to mean the intentional disregard of a known legal duty or plain indifference to a licensee's legal obligations. In the case of an FFL who has willfully violated the law, has shown an intentional disregard for regulatory requirements, or has knowingly participated in criminal acts, revocation often becomes the only viable option. It should be noted, however, that ATF does not revoke for every violation it finds; and that revocation actions are seldom initiated until after an FFL has been educated

on the requirements of the laws and regulations and given an opportunity to voluntarily comply with them but has failed to do so. Violations commonly cited in revocation cases include failure to account for firearms, failure to verify and document purchaser eligibility, failure to maintain records requisite for successful firearms tracing, and failure to report multiple sales of handguns.

The revocation process begins when an IOI recommends revocation following an inspection. The recommendation is subject to a rigorous, thorough internal review process. The authority to revoke rests with ATF's Directors of Industry Operations (DIO) located at one of ATF's 25 field divisions. If the DIO concurs with revocation of the license, the report is reviewed by ATF field division counsel for legal sufficiency.

To ensure consistency throughout the country, the DIO notifies the Deputy Assistant Director of Field Operations (Industry Operations) (DAD [IO]) located at the Bureau headquarters in Washington, D.C., of the decision to pursue a potential revocation and provides a synopsis of the case. The DAD (IO) will advise the DIO if the matter should proceed in the field division. If the matter is highly complex or sensitive, or if the licensee's operations and alleged violations are taking place in several field divisions, it will be resolved at the headquarters level.

If revocation is pursued, procedures are followed as specified under Title 27 Code of Federal Regulations Part 478. The licensee is provided with a Notice of Revocation that includes findings describing the reasons for pursuing revocation. The licensee has 15 days from receipt of the notice to request a hearing. The licensee may be represented by an attorney at the hearing and may bring employees and documentation to address the violations cited in the notice. ATF is generally represented at hearings by ATF Counsel and the IOIs who conducted the inspection(s) resulting in the revocation recommendation.

During a hearing, the licensee has the opportunity to challenge the violations and establish that the violations were not willful. Based on the evidence presented at the hearing by the licensee and ATF, the hearing officer submits a report of findings to the DIO. Based upon the hearing testimony, exhibits presented during the hearing, and the hearing officer's findings, the DIO decides whether to continue with the revocation. If the DIO's decision is to revoke following a hearing, or in cases where a hearing is not requested by the FFL, then a Final Notice of Revocation is sent to the licensee with a summary of the findings and the legal conclusions that warrant revocation.

A licensee who receives a Final Notice of Revocation may, within 60 days of receipt of the Final Notice, file a petition for *de novo* review with the U.S. District Court.

If the licensee makes a request to the DIO to allow continuance of business operations, the DIO may allow the licensee to operate during the appeal process. If the DIO

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prohibits continuance of operations during judicial review because of the risk to public safety, the FFL can appeal to the court to continue operations during the review process.

# # #

# **EXHIBIT B**



**U.S. Department of Justice**

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

*Office of Field Operations*

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[www.atf.gov](http://www.atf.gov)

July 14, 2021

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**MEMORANDUM TO:** All Special Agents in Charge  
All Directors, Industry Operations

**FROM:** Acting Assistant Director (Field Operations)

**SUBJECT:** Implementation of the Administration's  
Comprehensive Strategy to Prevent and Respond to  
Gun Crime and Ensure Public Safety

On June 23, 2021, President Biden and Attorney General Garland announced the Administration's Comprehensive Strategy to Prevent and Respond to Gun Crime and Ensure Public Safety. ATF's role in the Strategy is essential, and includes refocusing our FFL inspection and administrative action policies. As we have previously discussed, to ensure ATF effectively executes our role in the Strategy, effective immediately, all Field Divisions shall implement the following:

- 1) Field divisions shall in all instances utilize Crime Gun Intelligence Analytics (CGIA) and other data driven tools in determining prioritization of inspection resources. The factors that shall be considered include, but are not limited to, the following:
  - a. The extent to which firearms sold by the dealer are later used in criminal activity;
  - b. The time between the sale of a firearm and its use in a crime;
  - c. The number of recoveries associated with shootings, domestic violence, and other violent offenses; and
  - d. Additional information developed by local law enforcement partners.

All Special Agents in Charge  
All Directors, Industry Operations

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2) Absent extraordinary circumstances, an inspection that results in a finding that an FFL has willfully committed any of the following violations shall result in a revocation recommendation:

- a. The transfer of a firearm to a prohibited person;
- b. Failing to conduct a required background check;
- c. Falsification of records, such as a firearms transaction form;
- d. Failing to respond to an ATF tracing request;
- e. Refusing to permit ATF to conduct an inspection in violation of the law.

ATF will be amending ATF O 5370.1D, Federal Firearms Administrative Action Policy and Procedures to incorporate these requirements. The updated Order will also set forth revised procedures for processing FFL inspections that result in findings of violations listed above or other violations that merit revocation, but that may warrant an alternate recommendation after consideration of whether extraordinary circumstances exist. Inspections where the Director, Industry Operations determines an alternate recommendation to revocation is appropriate shall continue to be routed to the Deputy Assistant Director, Industry Operations, Office of Field Operations (DAD(IO)). The DAD(IO) will approve or deny the recommendation and advise the field division, accordingly. The circumstances of those cases will be briefed to the ATF Director each month during the Director's Monitored Case Briefings.

Additionally, FFL inspections conducted in states that separately license firearms dealers that result in violations of state law or revocation, shall be shared with the regulatory counterpart in that state. Any questions about what information can be shared outside ATF should be routed to Division Counsel.

If you have any questions, please contact Chief, Field Management Staff, Kyle Lallensack, at (414)305-3660.

GEORGE  
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George H. Lauder

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# **EXHIBIT C**

## JUSTICE DEPARTMENT: VIOLENT CRIME REDUCTION EFFORTS

### Prioritize Combating Violent Crime

The Department of Justice is steadfastly committed to keeping the American people safe. Every day, federal agents and investigators, federal prosecutors, criminal justice experts, and grant managers at the Department work closely with their partners in communities and with state, local, Tribal, and territorial law enforcement entities to prevent, disrupt, and prosecute violent crime.

In May 2021, the Department launched a [comprehensive violent crime reduction strategy](#) to protect American communities from the increase in violent crimes—including the gun violence that is often at its core. Last year, working with law enforcement and community partners, U.S. Attorneys' offices updated their violent crime reduction strategies under the Project Safe Neighborhoods initiative to focus on the most significant drivers of violent crime in their jurisdictions and reflect the principles of the Department's 2021 comprehensive strategy.

The Department's strategy is designed to address violent crime from all angles. It includes targeted enforcement, data-driven approaches, and programming that reach every aspect of the problem, from the earliest prevention strategies and violence interruption approaches to post-conviction reentry services. The strategy recognizes that we are most successful when we work closely with state, local, Tribal, and territorial counterparts—and when we serve as a force multiplier for their frontline efforts, including with critical grant funding.

The daily meeting of the New York Gun Violence Strategic Partnership, which President Biden and Attorney General Garland will attend today, is one example of these principles at work and of the types of cross-jurisdictional and interagency efforts that have helped in our efforts to fight violent crime and gun trafficking.

The Department highly values our partnership with state, local, Tribal, and territorial law enforcement and will make every effort to ensure justice is done when a law enforcement officer is the victim of gun violence. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) supports the investigations of all shootings of police officers across the country by conducting urgent traces of the firearms used in these shootings and analyzing crucial ballistic evidence through the National Integrated Ballistic Information Network (NIBIN) system. In January of this year alone, 25 law enforcement officers were shot—including four officers who died as a result, two of whom were dedicated young NYPD officers responding to a domestic dispute call. These tragedies remind us of the commitment and sacrifice of all law enforcement professionals, to whom we owe a profound debt of gratitude.

The tireless work of Department law enforcement agents, investigators, analysts, and prosecutors, in collaboration with our state, local, Tribal, and territorial partners, yielded significant results in 2021. The Department's enforcement agents seized more than 10,000 firearms and 250 tons of narcotics; arrested more than 84,000 fugitives, including over 6,000 homicide suspects; and captured almost \$1 billion from illicit drug proceeds. ATF's National Tracing Center traced more than half a million guns recovered by law enforcement, and its NIBIN system generated more than 150,000 leads to assist law enforcement in identifying, investigating, and prosecuting those who commit violent crimes and threaten the safety of our communities.

In the next phase of implementing its violent crime reduction strategy, the Department is building on what works—sharpening its focus in key areas, and further expanding multi-jurisdictional cooperative efforts to combat violent crime.

- Today, the Attorney General is directing all 94 U.S. Attorneys' offices across the country to take the following steps to continue to prioritize combating violent crime, including the gun trafficking offenses that often precede violent criminal acts:
  - U.S. Attorneys' offices will prioritize resourcing their enhanced district-specific violent crime strategies developed in response to the 2021 comprehensive strategy. To ensure that these efforts are appropriately supported, U.S. Attorneys' offices will identify within 45 days which resources (personnel, technical, cross-jurisdictional, and interagency) they are dedicating to implementing their strategies.
  - Each U.S. Attorney's Office will further sharpen the enforcement component of its district-specific violent crime reduction strategy by holding, within the next 30 days, dedicated sessions with their law enforcement partners to identify any new or additional enforcement efforts to implement prosecution priorities. U.S. Attorneys will identify within 45 days any adjustments to their strategies as a result of these convenings, including identifying promising practices that can be shared with other offices.
  - U.S. Attorneys' offices will continue to focus on strategies to prevent, deter, and prosecute gun crimes that give rise to violence, including as described below with respect to privately made firearms and unlawful firearms trafficking.
- ATF will bring together police executives from across the country to collaborate on gun violence solutions at a national convening in May. This convening will highlight ATF's Crime Gun Intelligence Center (CGIC) resources; discuss collaborations that may be replicated, such as the New York Gun Violence Strategic Partnership; share best practices for implementing and sustaining these approaches; and focus on strategies for addressing the increasing number of ghost guns used in crimes.
- Today, the Department is announcing the launch of a national drug-related violence reduction initiative designed to reduce the rates of violence and overdose deaths in communities. This evidence-based, targeted enforcement strategy will leverage the Drug Enforcement Administration's (DEA's) partnerships with other federal, state, local, and Tribal law enforcement agencies. In its first phase, this initiative will involve intelligence-driven task force approaches in 33 locations across 23 states, selected based on violence and overdose rates. The Department will also establish pilot programs for intelligence analysts at DEA and U.S. Attorneys' offices to share information about the most violent drug traffickers in each district.
- The President's fiscal year 2022 budget request seeks \$9.4 billion for violent crime, gun violence, and police, an 8.9 percent increase over fiscal year 2021. This includes an additional \$45 million for ATF, which will support doubling ATF's capacity to investigate thefts from federally licensed firearms dealers, and funding for the NIBIN program; an additional \$48 million for the FBI; and an additional \$58 million for the DEA and the Organized Crime Drug Enforcement Task Force. This request also includes more than \$1 billion in federal grant funding for communities and police to address violent crime.
- The Department is announcing plans to mobilize its Project Safe Neighborhoods and Public Safety Partnership initiatives to support the nation's local leaders in addressing violent crime. In the spring of 2022, the Department will hold a National Summit to Reduce Violence and Strengthen Communities for U.S. Attorneys, local leaders, and community

justice stakeholders. This summit will bring together multidisciplinary teams of enforcement and prevention specialists, including community violence intervention practitioners, researchers, community groups, and others, to exchange information and promising strategies to reduce violent crime.

### **Launch a National Ghost Gun Enforcement Initiative**

Privately made firearms (PMFs), known as ghost guns, are a rapidly growing contributor to violent crime. From January 1, 2016, through December 31, 2020, there were approximately 23,906 suspected PMFs reported to ATF as having been recovered by law enforcement, including in connection with 325 homicides or attempted homicides. The trendline is troubling: in 2016, local law enforcement reported to ATF 1,750 suspected PMFs; by 2020, that number had grown to 8,712, an increase of over 400 percent.

- **Today, the Department is announcing the launch of a national ghost gun enforcement initiative designed to prevent these unserialized firearms from being used to commit crimes, including by prioritizing bringing federal charges against criminal use of these weapons.**
  - **As part of this initiative, the Department will train a national cadre of prosecutors on enforcement issues specific to the use of ghost guns in crimes.** These specialists will serve as a resource in every district across the country.
  - **The Department will disseminate a set of materials designed specifically to assist investigators and prosecutors** in bringing cases against those who use ghost guns to commit crimes.
  - **ATF will designate a ghost gun coordinator** in each ATF field division to serve as a resource for federal, state, local, Tribal, and territorial law enforcement officers and prosecutors on questions involving unmarked firearms used in crime.
- **The Department will soon finalize a rule that will help curb the proliferation of ghost guns.** Last year, the Department announced that it would publish a proposed rule to help curb the proliferation of untraceable guns. The [proposed rule](#) was published 30 days later and is a priority regulation at the Department.

### **Crack Down on Illegal Firearms Trafficking, Including the “Iron Pipeline” and Other Illegal Gun Pipelines**

A core part of the Department’s violent crime strategy is cracking down on illegal gun trafficking and sales that put firearms into the hands of violent criminals.

To take action to crack down on illegal gun pipelines, in July, the Department [launched](#) five cross-jurisdictional strike forces to help reduce gun violence by disrupting illegal firearms trafficking in key trafficking corridors across the country. These strike forces have focused on shutting down illegal gun trafficking that travels from source cities, through other communities, and into five key market regions: New York, Chicago, Los Angeles, the San Francisco Bay Area/Sacramento region, and Washington, D.C.

The strike force in New York leverages data and analysis from ATF’s CGIC, which uses information from NIBIN, firearms tracing, and more than a dozen gun incident data sets from NYPD to identify the most prolific drivers of violent gun crime and their sources of firearms. Last year, the New York CGIC locally disseminated 100 leads on firearms trafficking and referred an additional 49 leads to

other ATF field divisions for action. This model is replicated across the country: ATF operates 25 core CGICs—one in each of its field divisions—and supports an additional 42 local and regional CGICs established jointly with local and state partners to expand collaboration and access to ATF's unique resources. The Department is focusing on pursuing illegal gun trafficking that puts guns in the wrong hands—whether it be through street dealing or other unlicensed dealing to those who use the firearms to commit violent crimes. Licensed firearms dealers are often our first line of defense against gun crime and a source of critical enforcement information. But for those dealers who willfully break the law and put public safety at risk by violating certain ATF requirements, ATF will seek to revoke their licenses pursuant to its zero-tolerance approach, absent exceptional circumstances.

The Department is taking the following steps to enhance enforcement against unlawful firearms trafficking:

- **The Department announced a commitment to expand federal prosecutorial resources available to its gun trafficking strike forces to help further efforts to shut down the pipelines (including the “iron pipeline” on the East Coast) that feed crime guns into these five key market areas.** If enacted, the President’s fiscal year 2022 budget would provide the Department critical new attorney, agent, investigator, and Deputy U.S. Marshal resources nationwide, which will enable the Department to realign additional resources to violent crime.
- **Today, the Attorney General directed U.S. Attorneys to prioritize federal prosecutions of those who criminally sell or transfer firearms that are used in violent crimes, including unlicensed dealers who sell guns to criminals without the required background checks.** Enhanced coordination with state, local, Tribal, and territorial partners will be an essential component of these efforts. We must go after not just those who commit violent crimes, particularly the most violent offenders, but also those who seek to provide firearms to those who plan to use them to commit violent crimes.

In addition, the Department will implement the following actions to enhance outreach and coordination with licensed firearms dealers, who can help keep firearms out of the wrong hands:

- **The Department will issue a new policy explaining how responsible conduct by federally licensed firearms dealers may play a role in its related enforcement decisions**—rewarding self-reporting of noncompliance and other proactive behavior that helps to prevent tragedy.
- **The ATF is announcing a new initiative to enhance communication with federal firearms licensees (FFLs).** When a firearm sold by a federal licensed dealer in a multiple firearm sale is shortly thereafter recovered and traced as part of an investigation involving a violent offense such as a homicide or assault, ATF will provide specific notice to the selling dealer than the firearm was used in a violent crime.
- **The President’s fiscal year 2022 budget, if enacted, would increase the number of ATF industry operations investigators** assigned to conduct inspections, identify security vulnerabilities, and respond to thefts at federally licensed firearms dealers. ATF has prioritized investigation of FFL burglaries and robberies because every firearm stolen from FFLs poses a threat to community safety as well as to our law enforcement partners.

# **EXHIBIT D**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

MICHAEL CARGILL and  
CTC HGC, LLC,  
*Plaintiffs,*

V.

Civil Action No. \_\_\_\_\_

BUREAU OF ALCOHOL, TOBACCO,  
FIREARMS AND EXPLOSIVES; ATF  
DIRECTOR STEVEN DETTELBACH,  
in his official capacity; ATTORNEY  
GENERAL MERRICK GARLAND,  
in his official capacity; UNITED STATES  
DEPARTMENT OF JUSTICE; and  
UNITED STATES OF AMERICA,  
*Defendants.*

## DECLARATION OF MICHAEL CARGILL

I, Michael Cargill, hereby declare as follows:

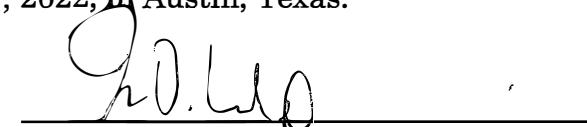
1. My name is Michael Cargill. I am over the age of eighteen years old, and I am fully competent to make this declaration. I have personal knowledge of the facts stated in this declaration, and all such facts are true and correct.
2. I own and operate Central Texas Gun Works in Austin, Texas.
3. I own CTC HGC, LLC and hold a federal firearms license through it.
4. I sell firearms and complete transfers. In the year before my 2018 inspection, I completed around 6500 sales and transfers. I will complete at least 8,000 sales and transfers this year and likely closer to 10,000.
5. In addition to selling and transferring firearms, I offer license to carry handguns classes, safety classes, and beginner firearm classes.

6. In conjunction with the classes I offer, students spend time at a firing range to practice using a firearm.
7. After the 2018 inspection, I received a “Report of Violations” that totaled 35 violations.
8. It listed four different types of violations: (1) failure to ensure that all of the information called for on the ATF Form 4473 as indicated by the headings and the instructions on or pertaining to the form was accurately or completely furnished (7 occurrences); (2) failure to obtain a complete or accurately executed ATF Form 4473 from the non-licensee completing the form, prior to making an over-the-counter transfer of a firearm (25 occurrences); (3) failure to attach supporting documentations in Question 18c (2 occurrences); and (4) failure to accurately or completely record on the ATF Form 4473 the date on which the licensee contacted NICS (1 occurrence).
9. None of these violations were willful, and none resulted in a prohibited possessor obtaining a firearm.
10. The ATF did not recommend revocation. The Report of Violations simply instructed me to ensure that all information on the ATF 4473 was filled out accurately and supporting documentation is attached when necessary.
11. I seek to abide by the Gun Control Act, and I teach my students the relevant federal, state, and local firearms laws so that they can be law abiding gun owners as well.

12. Since my 2018 inspection, I have instituted remedial measures in order to comply with the law, including purchasing a software system that better tracks transactions and required background checks.
13. I fear the ATF will still attempt to revoke my license even though I have made every effort to comply with the Gun Control Act.

Pursuant to 28 U.S.C. § 1746, I, Michael Cargill, declare under penalty of perjury that the foregoing is true and correct.

Executed on the 18<sup>th</sup> day of October, 2022, in Austin, Texas.



MICHAEL CARGILL

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

### I. (a) PLAINTIFFS

Michael Cargill and CTC HGC, LLC

(b) County of Residence of First Listed Plaintiff Travis  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Texas Public Policy Foundation  
901 Congress Avenue  
Austin, TX 78701 (512) 472-2700

### DEFENDANTS

Bureau of Alcohol, Tobacco, Firearms and Explosives, et al

County of Residence of First Listed Defendant Washington, DC  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

### II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input checked="" type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

### III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF	
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

### IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 330 Federal Employers' Liability	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 385 Property Damage Product Liability	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<b>IMMIGRATION</b>	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 210 Land Condemnation	<input checked="" type="checkbox"/> 440 Other Civil Rights	<b>Habeas Corpus:</b>	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence		<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<b>Other:</b>	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

### V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
18 U.S.C. 921 et. seq.

### VI. CAUSE OF ACTION

Brief description of cause:  
Challenge to the ATF's new enforcement policy regarding the Gun Control Act and federal firearms licenses.

### VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION  
UNDER RULE 23, F.R.Cv.P.

### DEMAND \$

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

### VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

SIGNATURE OF ATTORNEY OF RECORD

Oct 19, 2022

/s/ Matthew Miller

### FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE