

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

DEFENSE DISTRIBUTED,	§	
Plaintiff	§	
	§	
v.	§	
	§	Civil Action No. 4:22-cv-00691-O
TODD WALLACE BLANCHE, in his	§	
Official Capacity as Acting Attorney	§	
General of the United States, <i>et al.</i>,	§	
	§	
Defendants.	§	
	§	

**Defense Distributed and the Second Amendment Foundation's
Motion for Summary Judgment**

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Defense Distributed and the Second Amendment Foundation, Inc. (“SAF”) move for summary judgment against all Defendants as follows.

I. Count Two: APA § 706(2)(A)—Failure to consider.

Defense Distributed and SAF move for summary judgment against Defendants on Count Two of Defense Distributed and SAF’s complaint, *see* Doc. 143 at 22-23, ¶¶ 67-69, for the reasons set forth in their prior motion for summary judgment on this Count, *see* Doc. 165 at 2; Doc. 166 at 2-4; Doc 193 at 1-10, and the brief accompanying the instant submission.

II. Count Three: APA § 706(2)(A), (C)—Delegation.

Defense Distributed and SAF move for summary judgment against Defendants on Count Three of Defense Distributed and SAF’s complaint, *see* Doc. 143 at 23-24, ¶¶ 70-73, for the reasons set forth in their prior motion for summary judgment on this Count, *see* Doc. 165 at 3; Doc. 166 at 2; Doc 193 at 10, and the brief accompanying the instant submission.

III. Count Four: APA § 706(2)(A), (C)—Change of position.

Defense Distributed and SAF also move for summary judgment against Defendants on Count Four of Defense Distributed and SAF’s complaint, *see* Doc. 143 at 24-25, ¶¶ 74-76, for the reasons set forth in their prior motion for summary judgment on this Count, *see* Doc. 165 at 3; Doc. 166 at 2; Doc 193 at 10, and the brief accompanying the instant submission.

IV. Count Five: APA § 706(2)(B)—Right to Keep and Bear Arms.

Defense Distributed and SAF also move for summary judgment against Defendants on Count Five of Defense Distributed and SAF’s complaint, *see* Doc. 143 at 25, ¶¶ 77-80, for the

reasons set forth in their prior motion for summary judgment on this Count, *see* Doc. 165 at 3; Doc. 166 at 2; Doc 193 at 10, and the brief accompanying the instant submission.

V. Count Six: APA § 706(2)(B)—Due Process Clause.

Defense Distributed and SAF also move for summary judgment against Defendants on Count Six of Defense Distributed and SAF’s complaint, *see* Doc. 143 at 25-27, ¶¶ 81-86, for the reasons set forth in their prior motion for summary judgment on this Count, *see* Doc. 165 at 3-4; Doc. 166 at 2; Doc 193 at 10, and the brief accompanying the instant submission.

Conclusion

For these reasons, Defense Distributed and SAF request that the Court issue a summary judgment holding the Final Rule unlawful, setting it aside, and enjoining its enforcement against Defense Distributed and SAF’s members. *See* Doc. 143 at 27, ¶¶ 88-90. The request for costs and attorney’s fees, *id.* at 27, ¶ 93, should be addressed thereafter.

Respectfully submitted,

By /s/ Chad Flores

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Certificate of Service

A true and correct copy of the foregoing document was served via the Court's CM/ECF system to all counsel of record on the day of its filing.

/s/ Chad Flores
Chad Flores