

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
WESTERN DIVISION**

FIREARMS REGULATORY  
ACCOUNTABILITY COALITION, INC.,  
STATES OF WEST VIRGINIA, NORTH  
DAKOTA, *et al.*,

Plaintiffs,

v.

MERRICK B. GARLAND, *et al.*,

Defendants.

Civil Action No. 1:23-cv-00024-DLH-CRH

**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

**ORAL ARGUMENT REQUESTED**

Plaintiffs—a coalition of States, businesses, and individuals—respectfully move for this Court to grant a preliminary injunction against Defendants, Merrick Garland, in his official capacity as Attorney General of the United States, the Bureau of Alcohol, Tobacco, and Firearms (“ATF”), ATF Director Steven Dettelbach, and their employees, agents, and successors in office.

Specifically, Plaintiffs move to enjoin Defendants from enforcing their January 31, 2023 regulation and its accompanying adjudications. *See* Factoring Criteria for Firearms with Attached “Stabilizing Braces,” 88 Fed. Reg. 6,478 (Jan. 31, 2023) (the “Rule”); ATF, Common Weapon Platforms With Attached ‘Stabilizing Brace’ Designs that are Short-Barreled Rifles (Jan. 2023), <https://www.atf.gov/rules-and-regulations/docs/undefined/bracefinalruleguidance-non-commercial/download>; ATF, Commercially Available Firearms Equipped with a ‘Stabilizing Brace’ that are Short-Barreled Rifles (Jan. 2023), <https://www.atf.gov/rules-and-regulations/docs/undefined/bracefinalruleguidance-commerciallypdf/download>.

This Motion is fully supported by the accompanying Memorandum.

February 10, 2023

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 10, 2023, I electronically filed the above paper with the Clerk of Court using the ECF system, and I hereby certify that the above paper will be served via certified mail with the Summons and Complaint to the following:

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Dated: February 10, 2023

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