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8 *Attorneys for Defendant Wilfredo Cid*

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA
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12 **IVAN PEÑA, ROY VARGAS, DOÑA**
13 **CROSTON, BRETT THOMAS, SECOND**
14 **AMENDMENT FOUNDATION, INC., and**
THE CALGUNS FOUNDATION, INC.,

15 Plaintiffs,

16 v.

17 **WILFREDO CID,**

18 Defendant.
19

2:09-cv-01185-FCD-KJM

**NOTICE OF MOTION AND MOTION
TO DISMISS AMENDED COMPLAINT
BY DEFENDANT CID**

Date: October 2, 2009
Time: 10:00 a.m.
Dept: No. 2, 15th Floor
Judge: Frank C. Damrell, Jr.
Trial Date: None
Action Filed: April 30, 2009

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21 TO PLAINTIFFS IVAN PEÑA, ROY VARGAS, DOÑA CROSTON, BRETT
22 THOMAS, SECOND AMENDMENT FOUNDATION, INC., and THE CALGUNS
23 FOUNDATION, INC., and to their attorneys of record:

24 PLEASE TAKE NOTICE that on October 2, 2009, at 10:00 a.m., or as soon thereafter as
25 the matter may be heard by this Court, located at 501 I Street, Sacramento, California 95814,
26 Defendant Wilfredo Cid, Chief of the Bureau of Firearms of the California Department of
27 Justice, in his official and individual capacities, will move pursuant to Federal Rules of Civil
28 Procedure 12(b)(6) for an order dismissing this matter in its entirety.

1 Cid moves to dismiss the amended complaint on the grounds that it fails to state a claim
2 upon which relief may be granted because the Second Amendment does not invalidate
3 California's Unsafe Handgun Act (UHA) and the UHA does not trigger equal protection review,
4 or violate equal protection.

5 This motion is based upon this notice of motion and motion, the memorandum of points
6 and authorities, as well as the pleadings, orders, and other documents already on file in this
7 action.

8 Dated: July 6, 2009

Respectfully Submitted,

9 EDMUND G. BROWN JR.
10 Attorney General of California
11 STEPHEN P. ACQUISTO
Supervising Deputy Attorney General

12 /s/ ***Anthony R. Hakl***

13 ANTHONY R. HAKL
14 Deputy Attorney General
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