

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:23-cv-01077-PAB-NRN

ROCKY MOUNTAIN GUN OWNERS,  
TATE MOSGROVE, and  
ADRIAN S. PINEDA,

Plaintiffs,

v.

JARED S. POLIS, in his official capacity as Governor of the State of Colorado,

Defendant.

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**THE GOVERNOR'S REQUEST  
TO FORTHWITH DISSOLVE THE PRELIMINARY INJUNCTION**

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Defendant, Jared S. Polis, in his official capacity as Governor of the State of Colorado, respectfully requests that this Court, consistent with the Court of Appeals' opinion reversing and ordering dissolution of the preliminary injunction, issue an order dissolving the preliminary injunction immediately upon receipt of the mandate from the Court of Appeals.

**D.C.COLO.LCivR 7.1(a) CONFERRAL**

Counsel for Defendant conferred with counsel for Plaintiffs. Plaintiffs take no position on this motion.

**DISCUSSION**

1. On November 5, 2024, the Tenth Circuit issued its opinion in *Rocky Mountain Gun Owners v. Polis*, -- F.4th --, 2024 WL 4677573, at \*24 (10th Cir. Nov. 5, 2024). The Court of Appeals concluded, as did the General Assembly, that Senate Bill 23-169 is likely to save

lives. *Id.* at \*22-23. The Court of Appeals reversed the injunction against enforcement of SB23-169 and remanded with instructions to this Court to dissolve the injunction.

2. Senate Bill 23-139, which raised the minimum age to purchase firearms from 18 to 21, was passed following the state’s traditional exercise of its police power to protect the general health, safety, and welfare of its citizens. The law had an effective date of August 7, 2023.

3. Before the law could take effect, this Court issued a preliminary injunction prohibiting Colorado from enforcing SB23-169.

4. In reversing, the Court of Appeals agreed that SB23-169 “will likely reduce the numbers of firearm homicides, nonhomicide violent crimes, suicides, and accidental firearm injuries in Colorado.” *Rocky Mountain Gun Owners*, 2024 WL 4677573, at \*23 (quotations omitted).

5. The Court of Appeals mandate will issue on Wednesday November 27, 2024. Consistent with the Federal Rules of Appellate Procedure, this is three weeks after the Court of Appeals’ determination that SB23-169 should not be enjoined during pendency of these proceedings.

6. Including those three weeks, SB23-169 has been enjoined for nearly 16 months, during which time the people’s preferences expressed through their representatives in that legislation have been delayed.

7. While this Court does not have jurisdiction until the mandate issues on Wednesday, November 27, 2024, now that the Court of Appeals has determined that the law

should go into effect, the Governor respectfully requests this Court issue an order dissolving the preliminary injunction as soon as the mandate issues and this Court’s jurisdiction is restored.

8. Because of the injunction’s implications for public safety, it should dissolve as soon as possible, pursuant to the Court of Appeals’ Order. *Cf. United States ex rel. Bergen v. Lawrence*, 848 F.2d 1502, 1512 (10th Cir. 1988) (“The preliminary injunction was by its very nature interlocutory, tentative and impermanent.”); *U.S. Phillips Corp. v. KBC Bank N.V.*, 590 F.3d 1091, 1093 (9th Cir. 2010) (“A preliminary injunction . . . dissolves *ipso facto* when a final judgment is entered in the cause.”)

9. This is particularly true given the upcoming Thanksgiving holiday. The Governor makes this request in the hopes that the injunction is not needlessly extended due to the holiday weekend.

Accordingly, the Governor respectfully requests an Order dissolving the preliminary injunction.

Respectfully submitted: November 25, 2024.

PHILIP J. WEISER  
Attorney General

/s/ Joseph G. Michaels

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