

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

TOM G. PALMER, et al.,)	Case No. 09-CV-1482-HHK
)	
Plaintiffs,)	PLAINTIFFS' RESPONSE TO
)	DEFENDANTS' NOTICE
v.)	
)	
DISTRICT OF COLUMBIA, et al.,)	
)	
Defendants.)	
_____)	

PLAINTIFFS' REPLY TO DEFENDANTS' NOTICE

There is nothing "similar" between this case and that noted by Defendants, *Heller v. District of Columbia* ("Heller 2"), No. 08-1289-RMU.¹

This is a challenge to the District's complete prohibition of the right to bear arms. *Heller 2* challenges some of the District's firearm registration procedures, and its ban on certain weapons. Regardless of whether any part of *Heller 2* is correct, no level of scrutiny justifies the complete prohibition on the exercise of a constitutional right, nor is the District a Constitution-free zone. *See, e.g. Mills v. District of Columbia*, 571 F.3d 1304 (D.C. Cir. 2009).

Since Defendants do not actually regulate the right to bear arms, any opinion as to the level of scrutiny that might apply to such regulations would be advisory. Nothing in *Heller 2* sanctions the complete prohibition of the right to keep arms.

¹Plaintiffs' counsel represented Mr. Heller in *District of Columbia v. Heller* ("Heller 1"), 128 S. Ct. 2783 (2008), but is not involved with *Heller 2*.

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Respectfully submitted,

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