

SCOTUS denies application in *Gazzola v. Hochul*

The motion for stay in the civil rights case of *Gazzola v. Hochul* was denied by the full U.S. Supreme Court this afternoon in just one word: “denied.” For this submission, I wrote and filed more than 15,000 words. But, I was defeated by the only word that mattered: “denied.”

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This afternoon, SCOTUS denied our Application for an immediate, temporary stay of enforcement of the new laws at issue in the civil rights case of *Gazzola v. Hochul*. The order was issued this afternoon, and says nothing more than one sentence: "The application for writ of injunction presented to Justice Sotomayor and by her referred to the Court is denied."

The translation of this order is that not one of the nine Justices of the U.S. Supreme Court were willing to step into the arena to fight with us against new laws in New York targeting state-licensed dealers in firearms. A disappointing outcome, to say the least. At each of three levels of court, no judge has been willing to offer even *de minimus* protection against arrest while the case is pending to these plaintiffs and other gun store owners in New York and doing business with FFLs in New York.

We will fight on. Our next step remains the U.S. Supreme Court Petition under Rule 11 we filed January 4, 2022, seeking certiorari with the full court on detailed aspects of the lack of stay at any level of court. The State's response is due February 8; we will then submit a reply. If at least four Justices agree to grant cert, there may still be an opportunity to achieve a stay, or, at the least, to gain insight into their analysis of our arguments.

Our immediate, next step is to pull together with other FFLs across the State to discuss the new laws and determine strategies for keeping doors open and lights

on. If NYS-licensed gun dealers fall, so too the Second Amendment in New York. Individual rights will become meaningless, if the law-abiding gun owner has no licensed gun dealer from which to purchase a firearm and ammunition.

Thank you - everyone - for your continuing support of our case. We couldn't do it without your support of contributions towards court expenses and your purchases at local gun stores. It is an unprecedented moment in the history of this nation. Onward, together.

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