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Gazzola v. Hochul

**14 Citing cases****G.B. v. Nassau Cnty.**

24-CV-5884 (JMA) (SIL) (E.D.N.Y. Sep. 25, 2024)

[Motion for summary judgment](#) [Motion to dismiss](#) [Con. Law - Discrim. - Disabilities](#)

Plaintiffs “lack standing to challenge the [MTA] because, simply put, it does not apply to them.” [Gazzola v. Hochul, 88 F.4th 186, 203 \(2d Cir. 2023\)](#) (addressing a pre-enforcement challenge to a criminal law imposing requirements for carrying concealed firearms), cert. denied, 144 S.Ct. 2659 (2024); accord [Friends of George's, Inc. v. Mulroy, 108 F.4th 431, 436-38 \(6th Cir. 2024\)](#) (holding plaintiffs lacked pre-enforcement standing because they “failed to show any intention to even arguably violate” the given law); [L.H. v. Indep. Sch. Dist., 111 F.4th 886, 894 \(8th Cir. 2024\)](#) (similar); see also [MGM Resorts Int'l Glob. Gaming Dev., LLC v. Malloy, 861 F.3d 40, 45-46 \(2d Cir. 2017\)](#) (rejecting plaintiff's argument that it was harmed by and therefore had standing to challenge a statute because the alleged harm was “unsupported by the text of the Act”)

**United States v. Gavalo**

24-CR-80 (MKB) (E.D.N.Y. Sep. 9, 2024)

[Motion to dismiss](#) [Con. Law - Other](#)

18 U.S.C. § 922(g); see also [Gazzola v. Hochul, 88 F.4th 186, 200 \(2d Cir. 2023\)](#) (“Federal law prohibits certain classes of people, like felons, . . . from purchasing or possessing firearms or ammunition.”).

**United States v. Alston**

23-CR-510 (MKB) (E.D.N.Y. Sep. 9, 2024)

[Motion to dismiss](#) [Con. Law - Other](#)

18 U.S.C. § 922(g); see also [Gazzola v. Hochul, 88 F.4th 186, 200 \(2d Cir. 2023\)](#) (“Federal law prohibits certain classes of people, like felons, . . . from purchasing or possessing firearms or ammunition.”).

**Oakland Tactical Supply, LLC v. Howell Twp., Mich.**

103 F.4th 1186 (6th Cir. 2024) Cited 9 times

[Motion to dismiss](#) [Con. Law - Other](#)

This is not a case where the Township seeks to achieve through its zoning ordinances what it cannot do directly—ban all shooting ranges. See [Gazzola v. Hochul, 88 F.4th 186, 196 \(2d Cir. 2023\)](#) (citing [Cummings v. Missouri, 71 U.S. 277, 325, 4 Wall. 277, 18 L.Ed. 356 \(1866\)](#)). The amended ordinance makes clear that indoor and outdoor ranges are permitted uses in several districts.

**Mills v. N.Y.C.**

23-cv-07460 (JSR) (S.D.N.Y. Dec. 4, 2024)

[Motion to dismiss](#) [Con. Law - Other](#)

See also [Warth v. Seldin, 422 U.S. 490, 505 \(1975\)](#) (“When a governmental prohibition or restriction imposed on one party causes specific harm to a third party, harm that a constitutional provision or statute was intended to prevent, the indirectness of the injury does not necessarily deprive the person harmed of standing to vindicate his rights.”); [Gazzola v. Hochul, 88 F.4th 186, 194 \(2d Cir. 2023\)](#) (per curiam) (holding that gun vendors may bring Second Amendment claims on behalf of firearm purchasers). Here, plaintiffs have third-party standing to challenge the 90-day waiting period requirements applicable to dealers under subsection (a) because that regulation causally relates to the alleged injury to the plaintiffs-licensees, i.e., the 90-day temporary deprivation of each firearm acquisition or transfer.

## United States v. Defelice


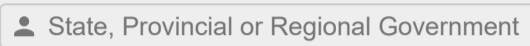
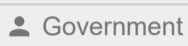
3:23-cr-116-OAW (D. Conn. Jun. 17, 2024) Cited 2 times

 Motion to dismiss  Con. Law - Other

U.S. Const. amend. II. However, the Second Amendment has “several limitations.” [Gazzola v. Hochul, 88 F.4th 186, 195 \(2d Cir. 2023\)](#) (citing to *District of Columbia v. Heller*, 554 U.S. 570, 592, 595 (2008)). The Supreme Court in *Heller* spoke of one in particular: “laws imposing conditions and qualifications on the commercial sale of arms.”

## Rocky Mountain Gun Owners v. Polis

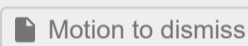
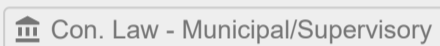
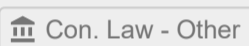
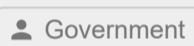
No. 23-1251 (10th Cir. Nov. 5, 2024)

 Con. Law - Other  State, Provincial or Regional Government  Government

See *Ezell v. City of Chicago*, 651 F.3d 684, 704 (7th Cir. 2011) (“The right to possess firearms for protection implies a corresponding right to acquire and maintain proficiency in their use; the core right wouldn’t mean much without the training and practice that make it effective.”); [Gazzola v. Hochul, 88 F.4th 186, 196 \(2d Cir. 2023\)](#) (per curiam) (agreeing with the Tennessee Supreme Court that the “right to keep arms[] necessarily involves the right to purchase them, to keep them in a state of efficiency for use, and to purchase and provide ammunition suitable for such arms, and to keep them in repair” (quoting *Andrews v. State*, 50 Tenn. 165, 178 (Tenn. 1871)); *Drummond v. Robinson Township*, 9 F.4th 217, 227 (3d Cir. 2021) (stating that *Heller* “implies a corresponding right to acquire and maintain proficiency’ with common weapons” (quoting *Ezell*, 651 F.3d at 704));

## Heeter v. James

24-CV-623 (JLS) (W.D.N.Y. Nov. 8, 2024)

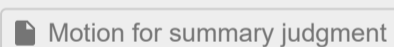
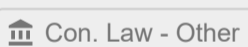
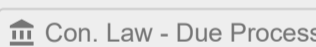
 Motion to dismiss  Con. Law - Municipal/Supervisory  Con. Law - Other  Government

 Legal Counsel and Prosecution [3 more...](#)

2. Eleventh Amendment The “Eleventh Amendment generally prohibits lawsuits against a state without that state’s consent.” [Gazzola v. Hochul, 645 F.Supp.3d 37, 58 \(N.D.N.Y. 2022\)](#), aff’d, [88 F.4th 186 \(2d Cir. 2023\)](#), cert. denied, 144 S.Ct. 2659 (2024) (citing *Seminole Tribe of Fla. v. Florida*, 517 U.S. 44, 54 (1996)). This “prohibition extends to individuals sued for damages in their capacities as state officials.”

## Lafave v. Cnty. of Fairfax, Va.

1:23-cv-1605 (WBP) (E.D. Va. Aug. 23, 2024) Cited 1 times

 Motion for summary judgment  Con. Law - Other  Con. Law - Due Process [2 more...](#)

### Finding Fairfax County’s parks to be sensitive places because children attend summer camps at the parks and the county operates three preschools there

) See [Gazzola v. Hochul, 645 F.Supp.3d 37, 66-67 \(N.D.N.Y. 2022\)](#), aff’d, [88 F.4th 186 \(2d Cir. 2023\)](#), cert. denied, No. 23-995, 2024 WL 3014531 (U.S. June 17, 2024) (finding that an employee training program that provided guidance in assessing security plans for firearms dealers did not suggest arbitrary enforcement). See also *Koons*, 673 F.Supp.3d at 662 (“The State’s interpretation contains explicit standards for law enforcement officers, judges, and juries to follow that will eliminate arbitrary or discriminatory enforcement.” (emphasis added)).

## Corbett v. Hochul

22 Civ. 5867 (LGS) (S.D.N.Y. Jul. 26, 2024)

 Motion to dismiss  Con. Law - Other

” See [Gazzola v. Hochul, 88 F.4th 186, 202 \(2d Cir. 2023\)](#), cert. denied, No. 23-995, 2024 WL 3014531 (U.S. June 17, 2024). The NYPD decides Plaintiff’s application, not the State Defendants.