

IN THE SUPREME COURT OF THE UNITED STATES

No. 18-280

NEW YORK STATE RIFLE & PISTOL ASSOCIATION, INC., ET AL.,
PETITIONERS

v.

CITY OF NEW YORK, NEW YORK, ET AL.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

MOTION OF THE UNITED STATES FOR LEAVE TO
PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE
AND FOR DIVIDED ARGUMENT

Pursuant to Rules 28.4 and 28.7 of the Rules of this Court, the Solicitor General, on behalf of the United States, respectfully moves that the United States be granted leave to participate in the oral argument in this case and that the United States be allowed ten minutes of argument time. This case presents the question whether New York City's ban on transporting a handgun to a home or shooting range outside the City violates the right to keep and bear arms, the dormant Commerce Clause, and the right to travel. The United States filed a brief as amicus curiae

supporting petitioners, arguing that the ban violates the right to keep and bear arms and the dormant Commerce Clause, but not the right to travel. Since that time, the City of New York has filed a Suggestion of Mootness, on which the United States has not yet taken a position. Accordingly, the requested division of time reflects only the United States' position on the merits of petitioners' constitutional challenge. Petitioners have consented to this motion and have agreed to cede ten minutes of their argument time to the United States.

The United States has a substantial interest in this case. As a general matter, the United States has a substantial interest in the preservation of the right of the people to keep and bear arms. In addition, Congress has enacted numerous laws regulating firearms, and the United States has a substantial interest in defending the constitutionality of those laws. The United States is thus well positioned to address the reconciliation of the constitutional right to keep and bear arms with the governmental interest in regulating firearms. Moreover, the United States previously presented oral argument as an amicus curiae in District of Columbia v. Heller, 554 U.S. 570 (2008). The United States' participation at oral argument could therefore materially assist the Court in its consideration of this case.

Respectfully submitted.

NOEL J. FRANCISCO
Solicitor General
Counsel of Record

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