

**ROB BONTA**  
**Attorney General**

**State of California**  
**DEPARTMENT OF JUSTICE**



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April 23, 2026

By Electronic Filing  
Hon. Scott S. Harris  
Supreme Court of the United States  
1 First Street, NE  
Washington DC 20543

RE: *Virginia Duncan, et al. v. Rob Bonta, Attorney General of California*, No. 25-198  
Order Granting Rehearing En Banc in *United States v. Benson*

Dear Mr. Harris:

This office represents respondent Rob Bonta, the Attorney General of California, in this matter. The Attorney General writes to notify the Court of the D.C. Court of Appeals' order in *United States v. Benson*, No. 23-CF-0514 (Apr. 22, 2026). The order grants the District of Columbia's petition for rehearing en banc, and vacates the panel's opinion holding that the District's prohibition on firearm magazines holding more than ten rounds violates the Second Amendment. See 2026 WL 628772 (D.C. Mar. 5, 2026); Pet. Supp. Br. 1. A copy of the order is attached.

The Attorney General would appreciate it if you could circulate this letter to members of the Court.

Sincerely,

*/s/ Mica L. Moore*

Mica L. Moore  
Deputy Solicitor General

For ROB BONTA  
Attorney General

Attachment.

cc: Erin E. Murphy, Counsel for Petitioners

**District of Columbia  
Court of Appeals**

**No. 23-CF-0514**

TYREE BENSON,

Appellant,

v.

UNITED STATES,

Appellee,

and

DISTRICT OF COLUMBIA,

Intervenor-Appellee.



**2022-CF2-005996**

BEFORE: Blackburne-Rigsby, Chief Judge, and Beckwith, Easterly, McLeese, Deahl, Howard, and Shanker, Associate Judges.

**ORDER**

On consideration of intervenor-appellee District of Columbia's petition for rehearing en banc; and it appearing that a majority of the judges of this court has voted to grant the petition for rehearing en banc, it is

ORDERED that intervenor-appellee District of Columbia's petition for rehearing en banc is granted and the opinion and judgment of March 5, 2026, are hereby vacated. It is

FURTHER ORDERED that the Clerk shall schedule this matter for argument before the court sitting en banc as soon as the calendar permits. Oral argument time shall not exceed 45 minutes per side. It is

**No. 23-CF-0514**

FURTHER ORDERED that appellant shall file a brief within 30 days from the date of this order; appellee and intervenor-appellee shall file responsive briefs within 30 days after filing of appellant's opening brief; and any reply brief shall be filed within 21 days thereafter. Any amicus brief shall be filed within 7 days of the opening brief of the party it supports. These new briefs shall be specifically designed for consideration by and addressed to the en banc court and shall supersede all briefs previously filed in this appeal. The parties should focus their briefs on the following issues:

- (1) Whether the District's ban on firearm magazines capable of holding "more than 10 rounds of ammunition" violates the Second Amendment, either facially or as applied, and, if so, which of appellant's convictions should be reversed as a result of that constitutional infirmity; and
- (2) Whether the District's licensing and registration requirements violate the Second Amendment.

**PER CURIAM**

Copies e-served to:

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**No. 23-CF-0514**

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