

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 6 2026

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

PWGG, LP, DBA as Poway Weapons and Gear; DBA as PWG Range; NORTH COUNTY SHOOTING CENTER, INC.; FIREARMS POLICY COALITION, INC.; CALIFORNIA GUN RIGHTS FOUNDATION; SECOND AMENDMENT FOUNDATION,

Plaintiffs - Appellants,

JOSE CHAVEZ, ANDREW MORRIS,
MATTHEW JONES, THOMAS FURRH,

Plaintiffs,

v.

ROB BONTA, in his official capacity as Attorney General of the State of California; ALLISON MENDOZA, in her official capacity as Acting Director of the Department of Justice Bureau of Firearms,

Defendants - Appellees.

No. 25-2509

D.C. No.

3:19-cv-01226-L-AHG

Southern District of California,
San Diego

ORDER

Before: Kim McLane Wardlaw, John B. Owens, and Ana de Alba, Circuit Judges.

General Order 3.6(d) sets forth the procedures to be followed by the Clerk's Office when a second appeal from the same underlying case is filed:

When a new appeal is taken to this Court from a district court or agency decision following a remand or other decision by an argument panel,

the Clerk's Office will notify the panel that previously heard the case that the new appeal or petition is pending, and will provide a brief description of the issues presented. The prior panel is encouraged to accept a case that predominately involves the interpretation and application of the prior panel decision, except when it is impossible to reconstitute the prior panel. . . .

Unfortunately, these procedures were not followed here. The Clerk's Office did not recognize that this is an appeal after remand of the same underlying case, failed to notify the previous panel, and assigned it to a newly constituted panel. This panel heard oral argument on June 23, 2026. Subsequently, it came to the attention of the Clerk's Office that this appeal was a second appeal from a previously remanded case and that the original panel should have been notified and given the opportunity to accept the appeal pursuant to General Order 3.6(d).

Our court has undertaken several steps to correct this mistake. First, the prior panel was notified of this appeal and has determined to accept it. Second, our court is taking internal measures to ensure that General Order 3.6(d) is strictly followed in the future. Third, this panel now vacates submission of this appeal and directs the Clerk to reassign this appeal to the previously constituted panel consisting of Judge Lee, Judge R.D. Nelson, and Senior District Judge Sidney H. Stein of the Southern District of New York.

It is so **ORDERED**.