

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

JASON WOLFORD; ALISON
WOLFORD; ATOM KASPRZYCKI;
HAWAII FIREARMS COALITION,

Plaintiffs-Appellees,

v.

ANNE E. LOPEZ, in her official
capacity as the Attorney General of the
State of Hawaii,

Defendant-Appellant.

No.23-16164

D.C. No.
1:23-cv-00265-
LEK-WRP

OPINION

On Remand from the United States Supreme Court

Filed August 10, 2026

Before: Mary M. Schroeder, Susan P. Graber, and Jennifer
Sung, Circuit Judges.

Opinion by Judge Graber

SUMMARY*

Second Amendment

On remand from the United States Supreme Court, the panel affirmed in part and reversed in part the district court's preliminary injunction enjoining some provisions of Hawaii's Act 52, which prohibits the carry of firearms in many sensitive places and the carry of firearms onto private property unless the owner allows it.

Addressing only the question concerning the private-property rule, the Supreme Court reversed the panel's prior determination that Plaintiffs had not shown a likelihood of success in challenging the law's default rule as to private property, which is codified in Hawaii Revised Statutes section 134-9.5, and remanded for further proceedings.

On remand, the panel affirmed the district court's injunction as to Hawaii Revised Statutes section 134-9.5. The panel's analysis in its prior decision Wolford v. Lopez, 116 F.4th 959 (9th Cir. 2024), as to all other aspects of Hawaii's law is unaffected.

* This summary constitutes no part of the opinion of the court. It has been prepared by court staff for the convenience of the reader.

COUNSEL

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Peace Officers Research Association of California, California State Sheriff's Association, California Association of Highway Patrolmen, and Crime Prevention Research Center.

OPINION

GRABER, Circuit Judge:

In 2023, the Hawaii legislature enacted Act 52, which prohibits the carry of firearms in many sensitive places. The law also prohibits the carry of firearms onto private property unless the owner allows it. Several Plaintiffs brought this action, asserting that the law violates the Second Amendment, and they sought a preliminary injunction as to some aspects of the law. The district court granted in part and denied in part Plaintiffs' request. Defendant Anne E. Lopez, Attorney General of the State of Hawaii, timely appealed.

We affirmed the preliminary injunction in several respects and reversed the preliminary injunction in several respects. Wolford v. Lopez, 116 F.4th 959 (9th Cir. 2024). Relevant here, we held that Plaintiffs had not shown a likelihood of success in challenging the law's default rule as to private property, which is codified in Hawaii Revised Statutes section 134-9.5. Id. at 992–96. The Supreme Court granted certiorari limited to the question concerning the private-property rule. Wolford v. Lopez, 146 S. Ct. 79 (2025). Addressing that question only, the Court reversed our determination and remanded for further proceedings. Wolford v. Lopez, 609 U.S. —, 146 S. Ct. 2032 (2026). Accordingly, we now affirm the district court's injunction as

to Hawaii Revised Statutes section 134-9.5. Our analysis as to all other aspects of Hawaii's law is unaffected.

For the reasons stated here and in our earlier decision, we affirm the injunction insofar as it enjoins Hawaii Revised Statutes sections 134-9.5 and 134-9.1(a)(12) and “the portions of [Hawaii Revised Statutes section 134-9.1](a)(1) that prohibit carrying firearms in parking areas owned, leased, or used by the State or a county which share the parking area with non-governmental entities, are not reserved for State or county employees, or do not exclusively serve the State or county building.” We reverse the injunction insofar as it enjoins Hawaii Revised Statutes sections 134-9.1(a)(4) and 134-9.1(a)(9).

**AFFIRMED IN PART AND REVERSED IN PART.
REMANDED.**