UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-2275

STEVEN ROBERT BROWN; BENJAMIN WEEKLEY; WEST VIRGINIA CITIZENS DEFENSE LEAGUE, INC.,

Plaintiffs – Appellees,

v.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES; PAMELA JO BONDI, U.S. Attorney General, in official capacity; STEVEN MICHAEL DETTELBACH, Director of the ATF, in official capacity,

Defendants – Appellants.

GIFFORDS LAW CENTER TO PREVENT GUN VIOLENCE; BRADY CENTER TO PREVENT GUN VIOLENCE; EVERYTOWN FOR GUN SAFETY,

Amici Supporting Appellants.

THE NATIONAL SHOOTING SPORTS FOUNDATION, INC.,

Amicus Supporting Appellees.

Appeal from the United States District Court for the Northern District of West Virginia at Clarksburg. Thomas S. Kleeh, Chief District Judge. (1:22−cv−00080−TSK)

Argued: January 30, 2025 Decided: June 18, 2025

Before WILKINSON, QUATTLEBAUM, and HEYTENS, Circuit Judges.

Reversed and remanded with directions to dismiss by unpublished per curiam opinion.

ARGUED: Courtney Lynn Dixon, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Appellants. William V. Bergstrom, COOPER & KIRK, PLLC, Washington, D.C., for Appellees. **ON BRIEF:** Brian M. Boynton, Principal Deputy Assistant Attorney General, Mark B. Stern, Michael S. Raab, Abby C. Wright, Steven H. Hazel, Civil Division, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C.; William J. Ihlenfeld, II, United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Wheeling, West Virginia, for Appellants. Adam J. Kraut, SECOND AMENDMENT FOUNDATION, Bellevue, Washington; David H. Thompson, Peter A. Patterson, COOPER & KIRK, PLLC, Washington, D.C., for Appellees. Beatriz L. Albornoz, SULLIVAN & CROMWELL LLP, Washington, D.C., for Amici Giffords Law Center to Prevent Gun Violence and Brady Center to Prevent Gun Violence. Esther Sanchez-Gomez, Kelly Percival, GIFFORDS LAW CENTER TO PREVENT GUN VIOLENCE, San Francisco, California; Robert A. Sacks, Leonid Traps, Sophie A. Kivett, New York, New York, Elizabeth A. Rose, Madeline B. Jenks, Cason J.B. Reily, SULLIVAN & CROMWELL LLP, Washington, D.C., for Amicus Giffords Law Center to Prevent Gun Violence. Douglas N. Letter, Shira Lauren Feldman, BRADY CENTER TO PREVENT GUN VIOLENCE, Washington, D.C., for Amicus Brady Center to Prevent Gun Violence. Janet Carter, William J. Taylor, Jr., Eleuthera O. Sa, EVERYTOWN LAW, New York, New York, for Amicus Everytown for Gun Safety. Michael L. Rice, HARRISON LAW LLC, Chicago, Illinois, for Amicus The National Shooting Sports Foundation, Inc.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

This case is hereby remanded with directions to dismiss it on the authority of *McCoy v. ATF*, No. 23-2085 (4th Cir. 2025). Judge Wilkinson and Judge Heytens concur in this disposition. Judge Quattlebaum dissents for the reasons set forth in his dissenting opinion in *McCoy*. The motion to supplement the record with an additional plaintiff is hereby granted.

REVERSED AND REMANDED WITH DIRECTIONS TO DISMISS