

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
NORTHERN DIVISION

AL BAKER,

Plaintiff,

v.

LEO DROZDOFF, Acting Director of
the Nevada Department of Conservation
and Natural Resources, et al.,

Defendants.

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) No. 3:10-cv-00426-ECR-RAM
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)
)
) **ORDER GRANTING STIPULATED**
) **MOTION FOR PRELIMINARY**
) **INJUNCTION AND TO STAY**
) **PROCEEDINGS**

This matter comes before the Court on the parties' STIPULATED MOTION FOR PRELIMINARY INJUNCTION AND TO STAY PROCEEDINGS, whereby the parties seek an Order preliminarily enjoining enforcement of Nevada Administrative Code § 407.105(1)(b)–(c), and an Order staying the proceedings in this case, pending the outcome of an administrative rulemaking to amend the regulations. The Court having considered the materials submitted, and having determined that good cause appears for the entry of a preliminary injunction and an Order staying the proceedings in this case, hereby ORDERS, ADJUDGES, AND DECREES AS FOLLOWS:

1. Plaintiff alleges that Defendants' maintenance and enforcement of Nevada Administrative Code § 407.105(1)(b)–(c) prohibits the possession and discharge of functional firearms for self-defense in Nevada State Parks in violation of the right to keep and bear arms guaranteed by the Second and Fourteenth Amendments.

2. Defendants deny these allegations.

3. Within approximately 60 days, Defendants intend to initiate an administrative rulemaking to amend Nevada Administrative Code § 407.105.

4. This rulemaking may result in changes to Nevada Administrative Code § 407.105 that could cure Defendants' alleged deprivation of the right to keep and bear arms guaranteed by the United States Constitution.

5. Enforcement of Nevada Administrative Code § 407.105(1)(b)–(c) is hereby preliminarily enjoined. The Defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them are hereby restrained and enjoined from enforcing in any way against any person Nevada Administrative Code § 407.105(1)(b)–(c).

6. Neither party shall be required to post security as a condition of this preliminary injunction.

7. Unless extended by order of the Court, this preliminary injunction shall automatically expire without notice and be of no further force or effect on November 30, 2011.

8. All deadlines in this case are hereby stayed. Either party may move to lift the stay upon showing of good cause.

IT IS SO ORDERED:

United States District Judge
DATED: _____