

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
NORTHERN DIVISION

AL BAKER,)	
)	
Plaintiff,)	No. 3:10-cv-00426-ECR-WGC
)	
v.)	
)	
LEO DROZDOFF, Acting Director of)	ORDER GRANTING STIPULATED
the Nevada Department of Conservation)	MOTION FOR PRELIMINARY
and Natural Resources, et al.,)	INJUNCTION AND TO STAY
)	PROCEEDINGS
Defendants.)	

This matter comes before the Court on the parties' Third Stipulated Motion for Preliminary Injunction and to Stay Proceedings filed on September 29, 2011. 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 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. More time is needed for rulemaking procedures and public hearings to be held.

4. The parties stipulate to the entry of a preliminary injunction and stay of the proceedings for six (6) months from the date of entry of this Order.

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 March 30, 2012.

8. All deadlines in this case are hereby stayed until March 30, 2012. Either party may move to extend or lift the stay upon showing of good cause.

Dated this _____ day of September 2011.

IT IS SO ORDERED:

United States District Judge