

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JULIO SUAREZ,	:	Case No. 1:14cv968
	:	
Plaintiff	:	
	:	
v.	:	Hon. William W. Caldwell
	:	
ERIC H. HOLDER, JR.,	:	
Attorney General of the United	:	
States; and B. TODD JONES,	:	
Director of the Bureau of	:	
Alcohol, Tobacco, Firearms and	:	
Explosives,	:	
	:	
Defendants.	:	Electronically Filed

**STATEMENT OF MATERIAL FACTS IN SUPPORT OF DEFENDANTS’  
MOTION TO DISMISS OR FOR SUMMARY JUDGMENT**

Pursuant to Local Rule 56.1, Defendants Eric H. Holder Jr., Attorney General of the United States; and B. Todd Jones, Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives, hereby submit the following statement of material facts in support of their motion for summary judgment.

1. On the evening of February 9, 1990, police in Montgomery County, Maryland observed Plaintiff’s vehicle fail to stop for a flashing red traffic signal. (Def. Mot. to Dismiss or for Summ. J. (“Def. Mot.”), Ex. 1).

2. When Montgomery County, Maryland police officers pulled over Plaintiff's vehicle on the evening of February 9, 1990, one of the officers noticed the strong odor of an alcoholic beverage on Plaintiff's breath. (Def. Mot., Ex. 1, at 2).

3. On the evening of February 9, 1990, after failing a sobriety test, Montgomery County, Maryland police officers placed Plaintiff under arrest. (Def. Mot., Ex. 1, at 2-3).

4. On the evening of February 9, 1990, Montgomery County, Maryland police officers recorded Plaintiff's blood-alcohol content as .11 percent. (Def. Mot., Ex. 1, at 1).

5. While arresting Plaintiff on the evening of February 9, 1990, Montgomery County, Maryland police officers found a loaded .357 Magnum handgun concealed under a sports coat in the small of Plaintiff's back. (Def. Mot., Ex. 2, at 2).

6. While arresting Plaintiff on the evening of February 9, 1990, Montgomery County, Maryland police officers found two loaded "speed-loaders" in Plaintiff's possession. (Def. Mot., Ex. 2, at 2).

7. Plaintiff did not have a license to carry the handgun that Montgomery County, Maryland police officers found on his person on February 9, 1990. (Def. Mot., Ex. 3, at 1).

8. On June 26, 1990, Plaintiff was convicted by the District Court of Montgomery County, Maryland, for unlawfully carrying a handgun, in violation of then-Md. Ann. Code art. 27, § 36B(b). (Def. Mot., Ex. 4, at 1).

9. On June 26, 1990, Plaintiff was sentenced by the District Court of Montgomery County, Maryland, to one year of probation, 180 days of imprisonment, and a \$500 fine and court costs, but the term of imprisonment and fine were both suspended. (Def. Mot., Ex. 4, at 1).

Of Counsel

Respectfully submitted,

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