

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JAY AUBREY ISAAC HOLLIS, individually
and as trustee of the Jay Aubrey Isaac Hollis
Revocable Living Trust,

Plaintiff,

v.

ERIC H. HOLDER, JR., Attorney General of
the United States, and B. TODD JONES,
Director, Bureau of Alcohol, Tobacco, Firearms
& Explosives,

Defendants.

Case No. 3:14-cv-03872-M

RESPONSE TO PLAINTIFF'S SUR-REPLY

On March 2, 2015, the Court granted Plaintiffs leave to file a surreply brief in opposition to Defendants' motion to dismiss or for summary judgment, and also stated: "Defendants may file a sur-sur reply on or before March 11, 2015." Order, Mar. 2, 2015 [ECF No. 30]. In accordance with the Court's Order, Defendants now file this brief sur-sur reply.

Plaintiff's surreply brief adds little to the arguments before the Court.¹ Defendants therefore rest on their previous briefs, and are prepared to address any specific questions the Court may have in a supplemental filing or at oral argument. Accordingly, for the reasons stated

¹ To the extent that Plaintiff's surreply brief relies on the recent decision of another court in this District, *Mance v. Holder*, Civ. No. 4:14-cv-00539, 2015 WL 567302 (N.D. Tex. Feb. 11, 2015), that reliance is misplaced. Defendants' previous briefs make clear that the reasoning in *Mance* is not applicable here, and the Court is not bound by the decision of another judge from this District. *See Camreta v. Greene*, 131 S. Ct. 2020, 2033 n.7 (2011) ("A decision of a federal district court judge is not binding precedent in either a different judicial district, the same judicial district, or even upon the same judge in a different case.") (quoting 18 J. Moore *et al.*, *Moore's Federal Practice* § 134.02[1] [d], p. 134-26 (3d ed. 2011)). Additionally, it is worth noting that the time has not yet elapsed for any party in *Mance* to notice an appeal of that court's February 11, 2015 decision.

above and in Defendants' opening and reply briefs, the Court should dismiss this case or enter summary judgment for Defendants.

Dated: March 11, 2015

Respectfully submitted,

BENJAMIN C. MIZER
Acting Assistant Attorney General

JOHN R. PARKER
Acting United States Attorney

/s/ Daniel Riess

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CERTIFICATE OF SERVICE

On March 11, 2015, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2) or the local rules.

/s/ Daniel Riess
Daniel Riess