

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ROBERT EARL ROWE
83 Braxton Terrace
Smyrna, DE 19777

Plaintiff,

V.

UNITED STATES OF AMERICA
C/O Office of the Attorney General
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Defendant.

COMPLAINT
18 USC §925A

COMES NOW the Plaintiff, by and through undersigned counsel, and alleges as follows:

PARTIES

1. Plaintiff, Robert Earl Rowe (“Rowe”) is an adult male citizen of the State of Delaware.
2. Defendant United States of America (“USA”) is a jural entity.

JURISDICTION AND VENUE

3. This Court has jurisdiction of this matter pursuant to 28 U.S.C. §§1331, 1346, and 18 U.S.C. §925A since the United States is a Defendant and the case arises under the Constitution and laws of the United States.

4. Venue is proper under 28 U.S.C. §1391(b)(1).

STATEMENT OF FACTS

5. 18 U.S.C. §922(g)(1) provides that:

“It shall be unlawful for any person-- (1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

6. 18 U.S.C. §921(a)(20) provides that:

The term “crime punishable by imprisonment for a term exceeding one year” does not include—

(A) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices, or

(B) any State offense classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

What constitutes a conviction of such a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any conviction which has been expunged, or set aside or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this chapter, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

7. 18 U.S.C. §925(c) provides, in part, that:

A person who is prohibited from possessing, shipping, transporting, or receiving firearms or ammunition may make application to the Attorney General for relief from the disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of firearms, and the Attorney General may grant such relief if it is established to his satisfaction that the circumstances regarding the disability, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest...

8. Around 1978, Plaintiff pled guilty to Possession of a Deadly Weapon in San Bernardino, California, and was sentenced to six (6) months' probation. Plaintiff served three (3) months and was granted early discharge and a withdrawal of plea of guilty in August, 1978.

9. Plaintiff's charge was deemed a misdemeanor after the early termination and withdrawal of plea. See Exhibit "A." Section 1203.4 of the California Penal Code, as referenced in this Exhibit, states:

Every defendant who has fulfilled the conditions of his probation for the entire period thereof, or who shall have been discharged from probation prior to the termination of the period there-of, shall at any time (1) thereafter be permitted by the court to withdraw his plea of guilty and enter a plea of not guilty, the court shall set aside the verdict of guilty; and in either case the court shall thereupon dismiss the accusations or information against such defendant, **who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted...** (emphasis added).

10. Plaintiff also applied for relief under 18 U.S.C. §925(c), when Congress was funding such mechanism for relief of disabilities, and was granted that relief in 1981. See Exhibit “B.”

11. Plaintiff worked as a probation officer in Delaware for over thirty-one (31) years and has since retired. Plaintiff is authorized to carry a firearm under HR 218 (Law Enforcement Officers Safety Act/LEOSA) and has a valid Delaware concealed carry license. Plaintiff is not a prohibited person.

12. In October 2015, Plaintiff attempted to purchase a firearm from a dealer with a Federal Firearms License (FFL) and was denied. Plaintiff appealed the denial from the FBI and requested why he was denied.

13. The Federal Bureau of Investigation, NICS Division, CJIS Division, responded on or about November 4, 2015 that Plaintiff is prohibited under Title 18, United States Code, Sections 921(a)(20) and 922(g)(1). See Exhibit “C.”

14. Under 28 C.F.R. § 25.10, the FBI has an obligation to verify the record correction with the originating agency and take all necessary steps to correct the record in NICS. This is not a discretionary duty.

15. On January 20, 2016, USA Today reported that the FBI is halting “the processing of thousands of appeals from prospective buyers whose firearm purchase attempts have been denied.”¹

16. Although the November 4, 2015 letter advises Plaintiff that his “appeal request has been forwarded for further processing,” this is an insufficient remedy as the letter plainly states, the “NICS Section is currently processing cases received in **June 2015**.” (emphasis added). See Exhibit “C”. Under this scenario, Plaintiff would have to wait over a year while Defendant unlawfully deprives him of his constitutional rights.

17. Regardless of whether NICS is processing appeals or not, Plaintiff has a statutory right under 925A to file this suit to force Defendant to correct its records and transfer the firearm.

COUNT I

18. Plaintiff incorporates each previous paragraph as if set forth herein again.

19. 18 U.S.C. § 925A provides

Any person denied a firearm pursuant to subsection (s) or (t) of section 922—

(1) due to the provision of erroneous information relating to the person by any State or political subdivision thereof, or by the

¹ <http://www.usatoday.com/story/news/nation/2016/01/19/fbi-guns-background-checks/78752774/?siteID=je6NUbpObpQ-BbTAh0hBe3xFiZr6NOLwLQ> (last accessed July 23, 2016).

national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act; or

(2) who was not prohibited from receipt of a firearm pursuant to subsection (g) or (n) of section 922,

may bring an action against the State or political subdivision responsible for providing the erroneous information, or responsible for denying the transfer, or against the United States, as the case may be, for an order directing that the erroneous information be corrected or that the transfer be approved, as the case may be. In any action under this section, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs.

20. Plaintiff requests that an order issue directing that any erroneous information be corrected and the transfer be approved.

21. Plaintiff also requests that an order issue directing Defendant to issue Plaintiff a UPIN (Unique Personal Identification Number) so future transactions may proceed without delay.

22. Plaintiff also requests his attorneys' fees and costs be awarded to Plaintiff and requests any other relief that he may be entitled to.

WHEREFORE, Plaintiff respectfully requests that the Court:

- (1) Order Defendant to correct its records on Plaintiff to reflect that he is not forbidden to purchase, receive, or possess a firearm;
- (2) Order that Defendant allow the transfer of the firearm;
- (3) Order Defendant to issue Plaintiff a UPIN; and

(4) That Plaintiff be awarded his costs and attorney's fees and any other relief he is entitled to.

Dated: July 24, 2016

Respectfully Submitted,

ROBERT EARL ROWE

/s/ Stephen D. Stamboulieh

Stephen D. Stamboulieh
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(601) 852-3440
stephen@sdslaw.us
DC District Court Bar# MS0009
Counsel for Plaintiff

Alan Alexander Beck
Law Office of Alan Beck
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San Diego, CA 92122
(619) 905-9105
Alan.alexander.beck@gmail.com
* Pending Admission *Pro Hac Vice*

STEWART C. SMITH
Chief County Probation Officer

JAMES T. KUPFER
Assistant Chief
County Probation Officer

PROBATION DEPARTMENT
COUNTY OF
SAN BERNARDINO

157 West 5th Street
San Bernardino, California 92415

ADMINISTRATION, COURT SERVICES DIVISION
AND SUPERVISION SERVICES DIVISION
157 West 5th Street

ACCOUNTING DIVISION
175 West 5th Street
Third Floor

Date August 21, 1978
Name Rowe, Robert Earl
Court Number CR 220
Court Superior
Charge Possession of a Deadly weapon

This is to notify you that your request for:

- ☒ Early termination pursuant to Section 1203.3 of the California Penal Code
- ☒ Withdrawal of plea pursuant to Section 1203.4 of the California Penal Code
- ☐ Rehabilitation of Misdemeanants pursuant to Section 1203.4a of the California Penal Code
- ☐ Sealing of the record pursuant to Section 1203.45 of the California Penal Code
- ☐ Dismissal of Accusations pursuant to Section 1772 of the Welfare and Institutions Code
- ☒ Case deemed a misdemeanor under PC 17

☒ Has been granted.

☐ Has been denied.

This notification should be retained in a safe place for future reference.

James T. Kupfer

Section 1203.3 California Penal Code: The court shall have (1) authority at any time during the term of probation to revoke, (2) modify or change its order of suspension of imposition or execution of sentence. It may at any time when the ends of justice will be subserved thereby, and when the good conduct and reform of the person so held on probation shall warrant it, terminate the period of probation and discharge the person so held.....

Section 1203.4 California Penal Code: Every defendant who has fulfilled the conditions of his probation for the entire period thereof, or who shall have been discharged from probation prior to the termination of the period thereof, shall at any time (1) thereafter be permitted by the court to withdraw his plea of guilty and enter a plea of not guilty, the court shall set aside the verdict of guilty; and in either case the court shall thereupon dismiss the accusations or information against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted.....

Section 1203.4a California Penal Code: (a) Every defendant convicted of a misdemeanor and not granted probation shall, at any time after the lapse of one year from the date of pronouncement of judgment, if he has fully complied with and performed the sentence of the court, is not then serving a sentence for any offense and is not under charge of commission of any crime, and has, since such pronouncement of judgment, lived an honest and upright life and has conformed to and obeyed the laws of the land, be permitted by the court to withdraw his plea of guilty and enter a plea of not guilty; or if he has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty and in either case the court shall thereupon dismiss the accusatory pleading against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense of which he has been convicted.....

Section 1203.45 California Penal Code:If the court finds that such person was under the age of 21 at the time of (1) the commission of the misdemeanor, and is eligible for relief under Section 1203.4 or Section 1203.4a, or has previously received such relief, or has not been convicted of any crime, except a traffic violation, it may issue its order granting relief prayed for. Thereafter such conviction, arrest, or other proceeding shall be deemed not to have occurred, and the petitioner may answer accordingly any question relating to their occurrence.....

Section 1772 Welfare and Institutions Code: Every person honorably discharged from the control by the California Youth Authority....., may petition the court which committed him, and the court may upon such petition set aside the verdict of guilty and dismiss the accusations or information against the petitioner who shall thereafter be released from all penalties and disabilities resulting from the offense or crime for which he was committed.....



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
WASHINGTON, D.C. 20226

OFFICE OF
THE DIRECTOR

JUL 22 1988

C:I:P:TVE
3270.10

Mr. Robert E. Rowe
2102 Alex Drive
Wilmington, Delaware 19828

Dear Mr. Rowe:

Reference is made to your application for relief from Federal firearms disabilities. We are pleased to advise you that we have granted your application pursuant to 18 U.S.C. § 925(c).

You are cautioned that this action provides relief only with respect to your Federal firearms disabilities arising from prior criminal convictions. It does not relieve you from any firearms disabilities to which you may now or hereafter be subject by reason of any State laws or local ordinances.

Appropriate officers of the Bureau responsible for the enforcement of firearms laws are being advised concerning the favorable conclusion of this matter.

Sincerely yours,

W. A. Rorer
Director



U.S. Department of Justice
Federal Bureau of Investigation

Clarksburg, WV 26306
November 04, 2015

Mr. Robert Earl Rowe
93 Braxton Terrace
Smyrna, DE 19977

SUBJECT: Firearm Appeal
National Instant Criminal Background Check
System (NICS) Transaction
Number (NTN)-30TBLRB

Dear Mr. Rowe:

This letter is in response to your inquiry concerning your transaction to possess or receive a firearm. By way of background, during a NICS check, our computer system searches several databases which contain records of persons with disqualifying conduct. This system screens individuals by name and descriptive information (i.e., date of birth, race, gender, etc.). A "deny" indicates the subject of the background check has been matched with a prohibiting record containing a similar name and/or similar descriptive features. Your transaction's federal prohibition is under Title 18, United States Code, Sections 921(a)(20) and 922(g)(1): A person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year or any state offense classified by the state as a misdemeanor and is punishable by a term of imprisonment of more than two years.

Your appeal request has been forwarded for further processing. The Appeal Services Team of the FBI Criminal Justice Information Services (CJIS) Division's NICS Section is currently processing cases received in June 2015.

NICS Section
CJIS Division

CIVIL COVER SHEET

JS-44 (Rev. 7/16 DC)

I. (a) PLAINTIFFS Rober Earl Rowe (b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>88888</u> (EXCEPT IN U.S. PLAINTIFF CASES)	DEFENDANTS United States of America COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small>
(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Stephen D. Stamboulieh Stamboulieh Law, PLLC P.O. Box 4008 Madison, MS 39130 601-852-3440	ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY) <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input type="radio"/> 1 U.S. Government Plaintiff </div> <div style="width: 48%;"> <input type="radio"/> 3 Federal Question (U.S. Government Not a Party) </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 48%;"> <input checked="" type="radio"/> 2 U.S. Government Defendant </div> <div style="width: 48%;"> <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III) </div> </div>	III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY! <table style="width: 100%; border: none;"> <thead> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
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Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<input type="radio"/> A. Antitrust <input type="checkbox"/> 410 Antitrust	<input type="radio"/> B. Personal Injury/Malpractice <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Medical Malpractice <input type="checkbox"/> 365 Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Product Liability	<input type="radio"/> C. Administrative Agency Review <input type="checkbox"/> 151 Medicare Act <u>Social Security</u> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <u>Other Statutes</u> <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)	<input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction Any nature of suit from any category may be selected for this category of case assignment. *(If Antitrust, then A governs)*
<input checked="" type="radio"/> E. General Civil (Other) OR <input type="radio"/> F. Pro Se General Civil			
<u>Real Property</u> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property <u>Personal Property</u> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<u>Bankruptcy</u> <input type="checkbox"/> 422 Appeal 27 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <u>Prisoner Petitions</u> <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Conditions <input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement <u>Property Rights</u> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <u>Federal Tax Suits</u> <input type="checkbox"/> 870 Taxes (US plaintiff or defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	<u>Forfeiture/Penalty</u> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <u>Other Statutes</u> <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 430 Banks & Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)

<input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input type="radio"/> I. FOIA/Privacy Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholder's Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify)
 ☐ 6 Multi-district Litigation
 ☐ 7 Appeal to District Judge from Mag. Judge
 ☐ 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 18 USC 925A - Correct erroneous records and approve transfer of firearm

VII. REQUESTED IN COMPLAINT	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$ _____	JURY DEMAND: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form

DATE: 7/24/2016	SIGNATURE OF ATTORNEY OF RECORD: /s/ Stephen D. Stamboulieh
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INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I.** COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III.** CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV.** CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI.** CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII.** RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.