

SCOTUS Opinion: Court's Dismissal of Gun Rights Case as Moot Sparks Lengthy Dissent

29 Apr 2020

New York City enacted a law preventing the transport of firearms. Gun owners challenged that law on the basis that it prohibited them from moving firearms to a second home or shooting range outside the city in violation of the Second Amendment. The lower courts denied relief, and the U.S. Supreme Court granted certiorari. In response, the city amended its law to permit what the gun owners specifically requested. In *New York State Rifle & Pistol Association, Inc. v. City of New York, New York*, the Court, in a *per curiam* decision, dismissed the appeal as moot, but remanded the case for the lower courts to determine whether the gun owners could add a claim for damages.

Justice Kavanaugh filed a concurrence, agreeing with the decision to dismiss based on mootness, but adding that he agreed with Justice Alito's analysis of the Court's Second Amendment case law and shared his concern that lower courts have not been applying that precedent properly. Justice Alito, in a lengthy dissent joined by Justices Thomas and Gorsuch, argued that the case was not moot because the gun owners could still be awarded prospective relief, including damages, and argued in detail why he believed the City's statute violated the Second Amendment.

A link to the decision is here: https://www.supremecourt.gov/opinions/19pdf/18-280_ba7d.pdf

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TAGGED: SCOTUS opinion, New York State Rifle & Pistol Association Inc v. City of New York, Gun Rights, Second Amendment, mootness