

Litigation

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Democratic AGs Rush Into Court to Save Biden Gun Rules (1)

By Alex Ebert

- Rules need defense after Trump pledge to toss them, states say
- Regs cover machine-gun converter, broader seller registration

A band of blue-state top cops leaped into federal gun regulation litigation in Texas Thursday, asking two courts to fill defense vacuums after President Joe Biden leaves office next week. One of those efforts was instantly rebuffed.

Attorneys general for 15 and Washington filed motions to intervene in a private gun group's challenge to Biden's ban on "forced reset triggers" before the US Court of Appeals for the Fifth Circuit and Texas' challenge to the expanded registration rules for gun sellers currently before the US District Court for the Northern District of Texas.

"And though Movant States could previously rely on federal defendants to represent their interests, the President-Elect promises to overturn the current Administration's firearms policies swiftly," the Democratic attorneys general, led by New Jersey Attorney General Matthew J. Platkin said in their brief. The states are therefore "intervening to ensure the seamless transition" from the federal government's defense of the policy to states impacted by it.

With unusual speed the Fifth Circuit rejected the tactic, issuing an order Thursday denying their ability to intervene but saying they could participate by filing friend of the court briefs.

"The court's order, and the speed with which it was issued, speak for themselves," Michael A. Columbo said in an email. He's a partner with Dhillon Law Group and attorney for the National Association for Gun Rights suing Biden over the forced reset triggers rule.

The blue-state briefs claim that they have an interest in the decisions due to increased healthcare costs from shootings, law enforcement costs from more gun crime, and other impacts that entitle them to step into the federal government's shoes.

The forced reset triggers are devices that can convert semi-automatic firearms into fully-automatic weapons. The registration rules being challenged focus on an expanded federal definition of firearms dealers to cover all of those "engaged in the business," of sales, requiring more people to go through background checks and keep records of their dealings.

It's common for federal regulatory challenges to fall like dominoes when presidential administrations change parties. The states' effort to intervene could pose a challenge to President Donald Trump's rapid resolution of the cases with a friendly appeals court.

"The incoming Administration has threatened these common-sense protections, so States are stepping in," Platkin said in a statement.

The cases are Nat'l Assoc. for Gun Rights v. Garland, 5th Cir., No. 24-10707, motion to intervene filed 1/16/25 and Texas v. Bureau of Alcohol Tobacco Firearms and Explosives, N.D. Tex., No. 2:24-cv-00089-Z, motion to intervene filed 1/16/25.

(Updated paragraphs one, four, and five with news of Fifth Circuit order and comment from plaintiff's attorney.)

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