UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

NATIONAL SHOOTING SPORTS FOUNDATION, INC. et al., Plaintiffs, v. RAÚL TORREZ, in his official capacity as Attorney General of New Mexico, Defendant.	Civil Action No. 1:26-cv-3514 November 18, 2026

CORRECTED[1] JOINT MOTION FOR ENTRY OF STIPULATED INJUNCTION

The National Shooting Sports Foundation, Inc., National Rifle Association of America, Second Amendment Foundation, New Mexico Firearms Industry Association, New Mexico Shooting Sports Association, Calibers Shooting Sports Center, Omni Tactical USA, Right to Bear Arms, and Peter Hackett (collectively, "Plaintiffs"), and Raúl Torrez, in his official capacity as Attorney General of New Mexico ("Defendant") (together with Plaintiffs, the "Parties"), jointly move this Court to enter the attached proposed stipulated injunction, preliminarily enjoining Defendant from enforcing and/or implementing N.M. Stat. §30-7-7.3 ("House Bill 129") pending final disposition of this case.

In support of this motion, the Parties state as follows:

1. On October 19, 2026, Plaintiffs filed their Complaint against Defendant, seeking a declaration that House Bill 129 violates the Second Amendment as applied to all law-abiding citizens who pass a background check in less than 72 hours, as well as an order preliminarily and

[1] The initial filing (Doc. No. 23) failed to include the attached form of injunction as an exhibit.

permanently enjoining Defendant and those subject to his supervision, direction, or control from enforcing House Bill 129. *See* Dkt.1.

2. Three days later, Plaintiffs filed a Motion for Preliminary Injunction. *See* Dkt.5. As Plaintiffs explained in their motion, the Tenth Circuit in 2025 published a precedential opinion "holding that [House Bill 129] is unconstitutional." Dkt.5 at 1 (quoting *Ortega v. Grisham*, 148 F.4th 1134, 1156 (10th Cir. 2025)); *see also* Order at 3, *Ortega v. Grisham*, No. 1:24-cv-00471 (D.N.M. Aug. 26, 2026), Dkt.126 (granting final judgment). Defendants accordingly asked this Court to preliminarily enjoin Defendant from enforcing House Bill 129 pending resolution of Plaintiffs' Second Amendment claim.

3. Defendant was served with the Complaint and Motion for Preliminary Injunction on October 27, 2026. *See* Dkt.18.

4. The parties agreed to a 14-day extension for Defendant to file a response to Plaintiffs' Motion for Preliminary Injunction, extending the deadline until November 24, 2026. *See* Dkt.20.

5. The Parties further agreed to the entry of a stipulated preliminary injunction. Under the terms of the Parties' proposed injunction, Defendant, and all those subject to his supervision, will be immediately enjoined from enforcing and/or implementing House Bill 129 pending final resolution of Plaintiffs' Second Amendment claim, unless the United States Court of Appeals for the Tenth Circuit issues a decision in the interim holding that House Bill 129 is constitutional and a final mandate in *Ortega v. Grisham*, No. 26-2170, reversing the district court's grant of summary judgment in favor of the plaintiffs in that case.

For the foregoing reasons, the parties respectfully jointly request that the Court enter the

attached proposed stipulated injunction.

By *Approved via email 11/16/2024*
Edward L. Marshall
Director of Government Litigation
408 Galisteo Street
Sante Fe, NM 87501
(505) 490-4060
EMarsahll@nmdoj.gov

Attorney for Defendant

By */s/ Carter B. Harrison IV*
Carter B. Harrison IV
Harrison & Hart, LLC
924 Park Ave SW, Suite E
Albuquerque, NM 87102
(505) 295-3261
carter@harrisonhartlaw.com

Michael D. McCoy
Grady J. Block*
Mountain States Legal Foundation
2596 South Lewis Way
Lakewood, CO 80227
(303) 292-2021
mmccoy@mslegal.org

Erin E. Murphy*
Matthew D. Rowen*
Kevin Wynosky*
Ilan J. Posner*
Clement & Murphy, PLLC
706 Duke Street
Alexandria, VA 22314
(202) 742-8900
erin.murphy@clementmurphy.com
matthew.rowen@clementmurphy.com
kevin.wynosky@clementmurphy.com
ilan.posner@clementmurphy.com

Attorneys for Plaintiffs

* admitted *pro hac vice*