

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

MARTIN POT and
SECOND AMENDMENT FOUNDATION

PLAINTIFFS

v.

No. 3:13-CV-03102

COLONEL STAN WITT, in his official
capacity as Director of the Arkansas
State Police

DEFENDANT

ORDER ON CONSENT FOR FINAL JUDGMENT

Now on this 8th day of May, 2014, the above-referenced matter comes before the Court pursuant to the Joint Stipulation for an Entry of Final Judgment, Permanent Injunction, and Attorney's Fees and Costs (Doc. 22). The parties stipulated that:

1. Plaintiffs challenged Arkansas Code Annotated § 5-73-309(1), which requires an applicant for a license to carry a concealed handgun to be a citizen of the United States. Plaintiffs alleged that Arkansas Code Annotated § 5-73-309(1) is unconstitutional as applied to lawful permanent residents. Plaintiffs seek to enjoin Defendant from enforcing Arkansas Code Annotated § 5-73-309(1) against lawful permanent residents.

2. The Fourteenth Amendment provides as follows: "nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." U.S. CONST. amend. XIV § 1. The United States Supreme Court has stated, "It has long been settled, and it is not disputed here, that the term 'person' in this context encompasses lawfully admitted resident aliens as well as citizens of the United States and entitles both citizens and aliens to the equal

protection of the State in which they reside." *Graham v. Richardson*, 403 U.S. 365, 371 (1971)(internal citations omitted).

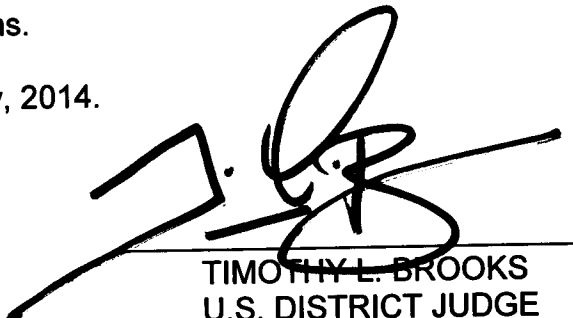
IT IS THEREFORE ORDERED that Defendant shall be permanently enjoined from enforcing Arkansas Code Annotated § 5-73-309(1) to the application of lawful permanent residents to obtain a license to carry a concealed handgun provided that they are otherwise qualified under Arkansas' Concealed Handgun Statute, codified at Arkansas Code Annotated §§ 5-73-301 - 322.

IT IS FURTHER ORDERED that Defendant shall allow Martin Pot and other lawful permanent residents residing in Arkansas to apply to obtain a license to carry a concealed handgun provided that they are otherwise qualified under Arkansas' Concealed Handgun Statute, codified at Arkansas Code Annotated §§ 5-73-301 - 322.

IT IS FURTHER ORDERED, pursuant to 42 U.S.C. § 1988, that Plaintiffs' request for reasonable attorney's fees in the amount of \$10,000.00 and costs in the amount of \$726.41 be GRANTED.

IT IS FURTHER ORDERED AND ADJUDGED that this case is DISMISSED WITH PREJUDICE as this Order disposes of all claims.

IT IS SO ORDERED this 8th day of May, 2014.



TIMOTHY L. BROOKS
U.S. DISTRICT JUDGE