

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JOHN CUTONILLI

Plaintiff,

v.

STATE OF MARYLAND

Defendant.

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CIVIL ACTION NO. JKB-15-629

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MEMORANDUM

On April 14, 2017, the Court entered an Order directing the Plaintiff to show cause why this action should not be dismissed with prejudice in light of the recent ruling of the United States Court of Appeals for the Fourth Circuit in *Kolbe v. Hogan*, 813 F.3d 160 (4th Cir. 2016). (See ECF No. 21.) On April 26, 2017, the Plaintiff filed his MOTION TO VACATE ORDER AND SHOW CAUSE (ECF No. 22) and the Defendant responded on April 27, 2017 (ECF No. 23). The Court has carefully reviewed the most recent submissions from the parties.

The Plaintiff has failed to show cause why any remaining elements of his Complaint or his proposed Amended Complaint should not be dismissed. Nowhere in his nine-page submission in response to the show cause order does the Plaintiff persuasively confront his central problem in the wake of *Kolbe*. The assault weapons and high capacity magazines are not protected by the Second Amendment, regardless of the purpose for which the Plaintiff may wish to possess them. His status in any informal militia is irrelevant. The Court reiterates its reasoning from its earlier Memorandum and Order (see ECF No. 21), and it also adopts the Defendant's reasoning as its own (see ECF No. 23).

Accordingly, by separate order, the Plaintiff's remaining claims will be dismissed.

Dated this 24th day of May, 2017.

BY THE COURT:

/s/
James K. Bredar
United States District Judge