

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|----------------------------|---|-----------------|
| DANIEL BINDERUP, |) | |
| |) | Civil Action |
| Plaintiff |) | No. 13-cv-06750 |
| |) | |
| vs. |) | |
| |) | |
| ERIC H. HOLDER, JR., |) | |
| Attorney General of the |) | |
| United States; and |) | |
| B. TODD JONES, |) | |
| Director of the Bureau of |) | |
| Alcohol, Tobacco, Firearms |) | |
| and Explosives, |) | |
| |) | |
| Defendants |) | |

O R D E R

NOW, this 25th day of September, 2014, upon consideration of Defendants' Motion to Dismiss or for Summary Judgment filed February 20, 2014 ("Defendants' Motion"); upon consideration of Plaintiff's Motion for Summary Judgment filed March 10, 2014 ("Plaintiff's Motion"); upon consideration of the pleadings, record papers, exhibits, declarations, legal memoranda and briefs of the parties; after oral argument on the within motions held before me on June 16, 2014; and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that Defendants' Motion is granted in part, dismissed as moot in part, and denied in part.

IT IS FURTHER ORDERED that Defendants' Motion is granted to the extent it seeks summary judgment on Count One of the Complaint filed November 21, 2013.

IT IS FURTHER ORDERED that declaratory judgment is entered in favor of defendant Eric H. Holder, Jr., Attorney General of the United States, and defendant B. Todd Jones, Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives, and against plaintiff Daniel Binderup on Count One of the Complaint.

IT IS DECLARED that plaintiff is subject to the prohibition in 18 U.S.C. § 922(g)(1) for his prior conviction for Corruption of minors under 18 Pa.C.S.A. § 6301 and is not excepted from that prohibition by 18 U.S.C. § 921(a)(20).

IT IS FURTHER ORDERED that Defendants' Motion is dismissed as moot to the extent it seeks to dismiss Count One of the Complaint.

IT IS FURTHER ORDERED that Defendants' Motion is denied to the extent it seeks summary judgment on Count Two of the Complaint.

IT IS FURTHER ORDERED that Plaintiff's Motion is granted in part and denied in part.

IT IS FURTHER ORDERED that Plaintiff's Motion is granted to the extent it seeks summary judgment on Count Two of the Complaint.

IT IS FURTHER ORDERED that declaratory judgment is entered in favor of plaintiff Daniel Binderup and against defendant Eric H. Holder, Jr., Attorney General of the United

States, and defendant B. Todd Jones, Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives, on Count Two of the Complaint.

IT IS DECLARED that application of 18 U.S.C. § 922(g)(1) to plaintiff Daniel Binderup for his prior conviction for Corruption of minors under 18 Pa.C.S.A. § 6301 violates the Second Amendment to the United States Constitution.

IT IS FURTHER ORDERED that defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of this Order shall be permanently enjoined from enforcing 18 U.S.C. § 922(g)(1) against plaintiff Daniel Binderup for his prior conviction for Corruption of minors under 18 Pa.C.S.A. § 6301.

IT IS FURTHER ORDERED that Plaintiff's Motion is denied to the extent it seeks summary judgment on Count One of the Complaint.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER _____
James Knoll Gardner
United States District Judge