

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

MAXWELL HODGKINS, et al.,	)	Case No. 10-5062
	)	
Appellants,	)	CONSENT MOTION FOR
	)	PARTIAL DISMISSAL
	)	
v.	)	
	)	
ERIC HOLDER,	)	
	)	
Appellee.	)	
_____	)	

CONSENT MOTION FOR PARTIAL DISMISSAL

Appellant Maxwell Hodgkins, by and through undersigned counsel, respectfully moves this Court to dismiss his appeal. The appeal as pursued by Appellants Stephen Dearth and Second Amendment Foundation, Inc. (“SAF”) will continue without alteration of the Court’s deadlines. Appellee consents to the relief sought in this motion.

Appellants Hodgkins and Dearth, and members and supporters of Appellant SAF, are expatriated American citizens who challenge the constitutionality of 18 U.S.C. §§ 922(a)(9) and (b)(3), which bar them from exercising Second Amendment rights so long as they do not maintain residence within the United States. Appellant Hodgkins has now decided to return to the United States. Upon his return, the



restrictions of which he complains will be rendered inapplicable to him. Accordingly, Hodgkins seeks to dismiss his appeal. Appellants Dearth and SAF expect to file their brief on the merits of this appeal, on time, on or before the July 21, 2010 deadline.

WHEREFORE, Appellant Maxwell Hodgkins respectfully asks that the motion be granted. Appellants Dearth and SAF respectfully request that the case be re-captioned "Dearth v. Holder."

Dated: July 9, 2010

Respectfully submitted,

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By: /s/ Alan Gura

Alan Gura  
Attorney for Appellants



CERTIFICATE OF SERVICE

On this, the 9<sup>th</sup> day of July, 2010, I served a copy of the foregoing Consent Motion for Partial Dismissal upon the following by electronic service. The document was filed electronically, generating a Notice of Electronic Filing, and counsel below has consented to electronic filing:

Anisha Dasgupta  
Appellate Staff, Civil Division  
U.S. Department of Justice  
950 Pennsylvania Ave, NW, Room 7533  
Washington, D.C. 20530  
(202) 514-5428

I declare under penalty of perjury that the foregoing is true and correct.

This the 9<sup>th</sup> day of July, 2010

/s/ Alan Gura  
Alan Gura

Attorney for Appellants