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District Court Orders ATF to Return NCLA Client's Bump Stock After Supreme Court Win

Aposhian v. Garland, et al.

Washington, DC (August 14, 2024) – The U.S. District Court for the District of Utah has [granted](#) the New Civil Liberties Alliance's request for summary judgment in *Aposhian v. Garland*, NCLA's original case challenging the Bureau of Alcohol, Tobacco, Firearms and Explosives' unilateral bump-stock ban. [Citing](#) the Supreme Court's historic June [ruling](#) against the ban in NCLA's [Garland v. Cargill](#) case, the District Court permanently blocked ATF from enforcing the defeated regulation against NCLA's client, Clark Aposhian, and anyone else in Utah. The District Court further ordered ATF to return the bump stock Mr. Aposhian had been forced to surrender in early 2019—when our injunction made him the “only man in America legally allowed to keep his bump stock.” NCLA celebrates the vindication of Mr. Aposhian's civil liberties.

ATF issued a Final Rule in 2018 defining semi-automatic firearms equipped with bump stocks as “machineguns,” which federal law prohibits. The rule required Mr. Aposhian—and every other bump-stock owner nationwide—to either destroy or turn in their legally purchased devices at risk of being convicted for owning an illegal machinegun. The Supreme Court recognized this summer in [Garland v. Cargill](#) that bump-stock-equipped firearms are *not* machine guns under federal law, and it held ATF lacks authority to change the statutory definition.

The District Court's new decision acknowledges that the 1984 *Chevron* precedent is no more, [honoring](#) the Supreme Court's June [ruling](#) in NCLA's landmark [Relentless Inc. v. Department of Commerce](#) case that overturned *Chevron* deference. Although *Chevron* deference had played a major role at the Tenth Circuit in Mr. Aposhian's case—where the judges injected deference even though the government disclaimed reliance on it to interpret a criminal statute—this was not ultimately a deference case. The Supreme Court issued the *Cargill* decision before its *Relentless* decision. It interpreted the statute to exclude bump stocks without discussion of deference, which never properly applied to this statute.

In other words, *Chevron* had never really constrained Judge Jill Parrish nor the Tenth Circuit to rule against Mr. Aposhian, and it was a mistake for them to do so. But this case does show why *Chevron* had to go. Courts too often applied it improperly—even interpreting criminal laws—to rule for federal agencies aiming to take away Americans' civil liberties and their lawfully owned property. Mr. Aposhian sought to take his case all the way to the U.S. Supreme Court to overturn *Chevron* deference. The Supreme Court rescheduled his case more than 20 times before denying certiorari. But, as it turns out, Mr. Aposhian helped dismantle the unlawful Administrative State twice. He helped overturn *Chevron* and has now prevailed on the bump-stock ban separately.

NCLA released the following statements:

“NCLA's victory in *Cargill* left no doubt that only Congress may expand the statutory definition of ‘machinegun’ to include bump-stock-equipped firearms. The District Court was therefore compelled to grant judgment in favor of Mr. Aposhian and order the return of his device.”

— **Sheng Li, Litigation Counsel, NCLA**

“If self-government means anything, it must mean that only our elected officials can write criminal laws. Mr. Aposhian’s original appeal to the Tenth Circuit, and his subsequent trip to the Supreme Court, illustrated the multiple problems with *Chevron* deference, and his case likely helped convince the Justices that doctrine needed to die, even though they denied certiorari. But the main takeaway from Mr. Aposhian’s willingness to take a stand for his civil liberties is that bureaucrats at the ATF and other federal agencies are not empowered to write or reinterpret rules that take away more freedom. That’s why this is a glorious victory for all liberty-loving people.”
— **Mark Chenoweth, President, NCLA**

For more information visit the case page [here](#).

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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