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After Supreme Court Win, NCLA Convinces District Court to Vacate ATF's Unlawful Bump-Stock Ban

Michael Cargill v. Merrick B. Garland, Attorney General, et al.

Washington, DC (November 4, 2024) – Today, the U.S. District for the Western District of Texas [amended](#) its final judgment for New Civil Liberties Alliance client Michael Cargill to vacate the Bureau of Alcohol, Tobacco, Firearms and Explosives' unilateral Final Rule banning bump stocks. NCLA had persuaded the U.S. Supreme Court to [rule](#) in June 2024 that the ban was unlawful, safeguarding the rights of Mr. Cargill and hundreds of thousands of other Americans to be free from laws written by executive branch bureaucrats instead of Congress. With the District Court's new decision, Mr. Cargill's battle to overturn the bump-stock rule ends victoriously, and he will soon have his lawful property back in his hands. Though it should not have taken a 5 ½-year legal fight to vindicate Mr. Cargill's civil liberties, NCLA is pleased to have convinced the District Court to vacate the bump-stock rule.

In early 2023, the *en banc* U.S. Court of Appeals for the Fifth Circuit [ruled](#) in *Cargill v. Garland* that banning bump stocks requires an act of Congress, ordering the District Court to enter judgment in Mr. Cargill's favor and determine the appropriate remedy to put that judgment into force. The District Court entered a judgment in Mr. Cargill's favor, but simultaneously denied him any relief, in effect entering judgment for the government.

NCLA took the Mr. Cargill's case to the Supreme Court, with former Texas Solicitor General Jonathan Mitchell presenting oral argument in opposition to ATF's bump-stock ban. After the high court ruled against the ban, the Fifth Circuit vacated the District Court's denial of Mr. Cargill's motion, remanding the case to the District Court "to consider alterations to the judgment or other relief[.]" Consistent with the Fifth Circuit's instruction, the District Court has now altered the judgment to vacate the Final Rule and declared that Mr. Cargill has the right to own bump stocks under federal law.

NCLA released the following statements:

"The Government's attempt to limit relief to just Mr. Cargill would have left in place ATF's rule that the Supreme Court said was unlawful, and each person would have had to separately challenge that unlawful rule to get the same relief. Fortunately, such a convoluted and burdensome process is unnecessary because the Administrative Procedure Act *commands* federal courts to 'set aside' unlawful rules, meaning vacate them for everyone in the country."

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

"We are pleased that the courts have fully repudiated this unlawful agency rule by vacating it across the board. The Administrative Procedure Act requires this result when agencies exceed their statutorily granted authority. NCLA will continue fighting unlawful agency edicts and ensure that lawmaking tasks are performed by the people's elected representatives rather than unaccountable agency bureaucrats."

— **Jonathan Mitchell, former Texas Solicitor General**

“ATF—and for that matter the Department of Justice—never should have approved this regulation. Only Congress can write criminal laws, and if ATF or any other federal agency wants to criminalize the ownership of something, it must ask Congress to pass a law. If another agency tries a similar stunt, know that NCLA will be there to sue you, too.”

— **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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