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14 Treuel

15 **UNITED STATES DISTRICT COURT**  
16 **NORTHERN DISTRICT OF CALIFORNIA**  
17 **OAKLAND DIVISION**

18 SECOND AMENDMENT  
19 FOUNDATION, ANDREW MOORE,  
20 an individual; JAMES TREUEL, an  
21 individual,

22 Plaintiffs,

23 v.

24 CONTRA COSTA COUNTY;  
25 CONTRA COSTA COUNTY  
26 SHERIFF'S OFFICE; SHERIFF  
27 DAVID LIVINGSTON, in his official  
28 capacity; and DOES 1-10,

Defendants.

CASE NO:

**COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF**

**42 U.S.C. §§ 1983 & 1988**

1 Plaintiffs, Second Amendment Foundation, Andrew Moore, and James  
2 Treuel, bring this action against Defendants Contra Costa County, Contra Costa  
3 County Sheriff's Office, Sheriff David Livingston in his official capacity  
4 (collectively, "Defendants"), and Does 1-10, inclusive, and make the following  
5 allegations:

### 6 INTRODUCTION

7 1. This action challenges the concealed carry weapon ("CCW") permit  
8 issuance policies and practices of the Defendants that prohibit CCW applicants and  
9 those issued valid CCW permits from including and attaching popular, safety-  
10 enhancing attachments on the handguns they legally carry for self-defense as part of  
11 the CCW permit. Specifically, Defendants' policies and practices prohibit the  
12 attachment and use of red dot sights and flashlights on CCW firearms. Additionally,  
13 Defendants outright ban the carry of Single Action Only (SAO) firearms, including,  
14 by name, 1911 platform ("1911-Style") handguns, which are themselves quite  
15 popular. These policies violate the Second Amendment under the standard set forth  
16 in *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1 (2022) and are thus  
17 unconstitutional.

18 2. The Second Amendment protects law-abiding citizens' right to "keep"  
19 – meaning to acquire, have, and possess — and to "bear" — meaning "to carry on  
20 one's person in case of confrontation" — weapons that are in common use for  
21 lawful purposes. This includes handguns with commonly used safety and accuracy-  
22 enhancing features. *See District of Columbia v. Heller*, 554 U.S. 570 (2008).

23 3. Since the inception of firearms, and certainly over the last hundred  
24 years, firearms have come equipped with sights, with which the user can more  
25 accurately direct his shots. For many years, the standard in sights have been "iron  
26 sights," a simple affixed metal post at the muzzle of the gun, and a rear sight with a  
27 notch, affixed to the rear of the slide. By aligning the post inside the notch, the user  
28 is able to discern the gun was aimed on target. This can be difficult to do in a high-

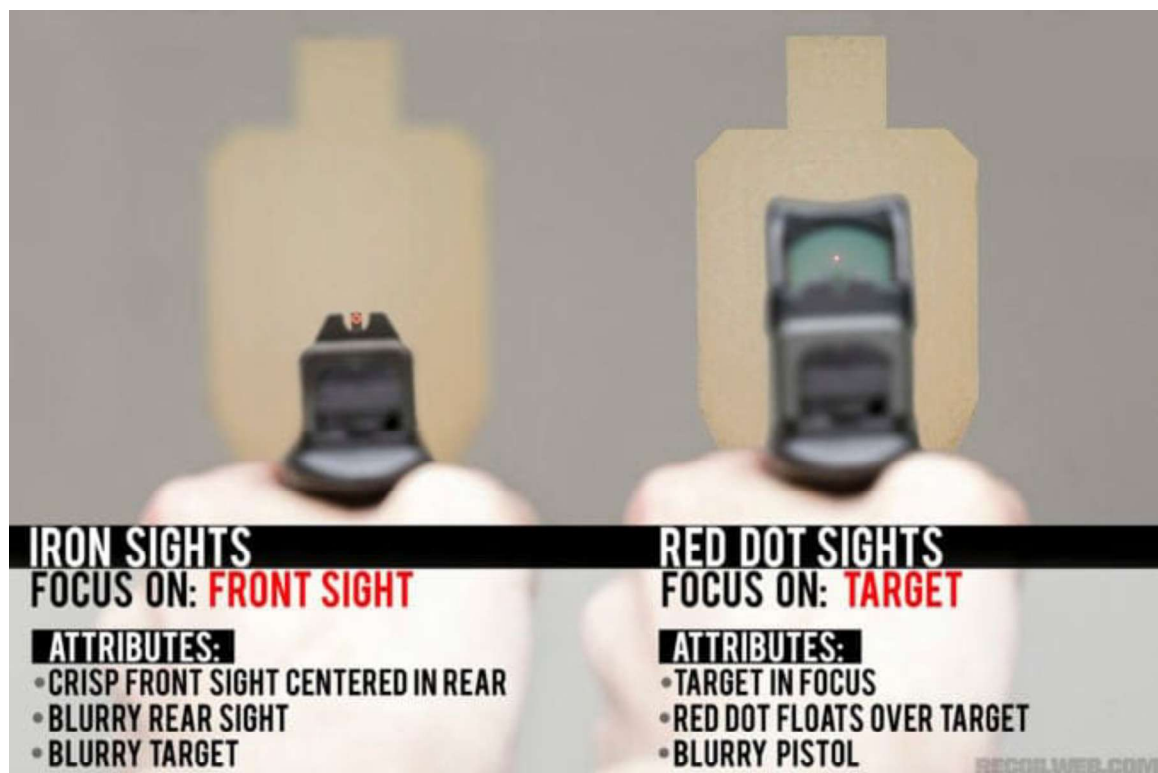
1 stress situation, or if the user has vision challenges – like the need for reading  
2 glasses to see clearly up close. When someone is forced to use a firearm in self-  
3 defense, it is paramount that they be able to place their shots precisely where they  
4 are intended as effectively as possible.

5 4. Modernly, “iron sights” have been improved to include adjustable  
6 sighting systems and “night sights” that glow in the dark and make it easier to see  
7 your sights in low-light settings.

8 5. Fortunately, modern sighting systems have continued to progress and  
9 allow gun owners to place their shots, as effectively as possible, precisely where  
10 they are intended. Red dot sights, which have become ubiquitous for handguns in  
11 recent years, help the shooter acquire the sight faster than traditional iron sights and  
12 simplify the aiming process.

13 6. A red dot sight is a small optical aiming device mounted on a handgun  
14 that projects an illuminated red dot onto a lens. The shooter places the red dot on the  
15 target instead of aligning traditional front and rear iron sights, making aiming faster  
16 and often easier, especially at longer distances and in low-light settings. Red dot  
17 sights place the target and the reticle on nearly the same optical plane, allowing a  
18 single point of focus on the target.

19 7. Red dot sights much more easily allow the shooter to keep both eyes  
20 open, which improves peripheral vision and can make them more aware of other  
21 people in the vicinity. Moreover, most red dot sights can be attached to the handgun  
22 while still allowing the “iron sights” to remain, which permits full functionality and  
23 use of the iron sights even with an attached red dot sight. Finally, they have better  
24 low-light performance, as the dot remains visible in dim conditions where iron  
25 sights might be hard to see.



Red dot sights allow target focus, keeping attention fully on the threat.

Source: <https://www.recoilweb.com/too-much-red-dot-a-quick-reminder-129022.html>

8. Handheld flashlights have been used by citizens and law enforcement alike for decades for the simple reason that they perform a helpful task: providing additional light where it is otherwise insufficient or absent. Half of every day is in darkness, and criminals frequently exploit the perceived security of darkness to commit unlawful acts. In a defensive situation, a flashlight allows a person to determine who is actually present, ensuring that potential threats can be identified while innocent individuals are recognized and protected.

9. Handgun-mounted flashlights, which are small flashlights that are mounted to the front of a handgun underneath the barrel, are commonly used for these very reasons. Flashlights mounted to a handgun provide the same obvious benefits of a handheld flashlight, while allowing the user to keep both hands securely on their firearm, free to aim and operate the firearm with better precision. In the event a violent threat creates the concurrent need for both a gun and a light, a flashlight mounted to the gun can provide lifesaving aid. Having identified a threat

1 (with the use of a handheld light, for instance), a flashlight mounted to your handgun  
2 allows the user to keep that threat illuminated while effectively operating their  
3 firearm with both hands.



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15 Modern weapon-mounted lights are critical aids for defensive pistols. As one article explains,  
16 “[p]ositive identification means you can see a threat and visually establish that it is, in fact, a  
17 threat. In low-light situations, there is never a reason to fire blindly in the dark.”  
18 Source - <https://inside.safariland.com/blog/everything-you-need-to-know-about-weapon-mounted-lights/>

19 10. For these reasons, weapon-mounted lights (referred to herein as  
20 “flashlights” for simplicity) are popular on handguns. Their advantage is self-  
21 explanatory: in a self-defense situation that occurs somewhere poorly lit, they allow  
22 the shooter to turn on a light and confirm the exact nature of the threat they are  
23 facing (or properly identify innocent non-threats) and observe when that threat is no  
24 longer present.

25 11. Additionally, while single-action only (“SAO”) firearms have a  
26 venerable history, these too are prohibited by Defendants’ policies and practices.

27 12. The Colt 1911 is a semiautomatic pistol, meaning it automatically loads  
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1 a new cartridge into the firing chamber after each shot is fired—just like all modern  
2 semiautomatic pistols approved for sale in California. It is also a “single-action”  
3 pistol, meaning the trigger performs a single function—releasing a pre-cocked  
4 hammer to fire the pistol. Because the hammer must be cocked before the pistol can  
5 fire, 1911-style pistols are commonly equipped with multiple manual and passive  
6 safety features to prevent unintended discharge while the pistol is being carried. The  
7 basic design of the Colt 1911, the standard-issue sidearm of the United States Army  
8 from 1911 until 1985, remains in common use today, is commonly carried by  
9 civilians and law enforcement, and includes both full-size and compact adaptations  
10 designed specifically for everyday carry. In fact, the 1911-style pistol has been  
11 commercially sold in the United States for more than a century and remains one of  
12 the most popular handgun designs in the country.

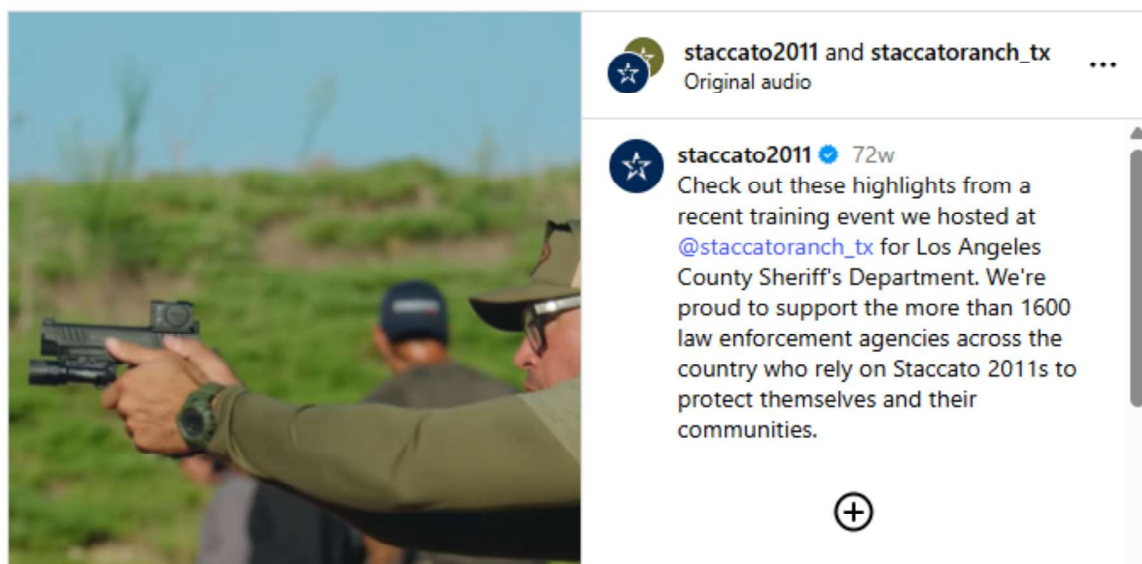
13 13. Just recently, several SAO semiautomatic firearms have been added to  
14 the California Handgun Roster and thus approved for sale in this state, after  
15 undergoing the required safety tests by the California Department of Justice.<sup>1</sup> These  
16 pistols are chosen for improved accuracy, durability, and reduced recoil. The 1911  
17 platform also includes both thumb and grip safeties, features frequently touted by  
18 the state itself as worthwhile inclusions to firearm design. These redundant safeties  
19 of 1911-style pistols have contributed to their widespread acceptance as a carry  
20 handgun for more than a century.

21 14. In addition, several California law enforcement agencies, including the  
22 Riverside County Sheriff’s Department SWAT team, Los Angeles County Sheriffs,  
23 and Long Beach Police Department, have adopted Staccato 2011 firearms (a modern  
24 take on the 1911 platform with the same “single action only” manner of operation)  
25 as a duty-approved, high-performance, and reliable pistol. For example, in selecting

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26 <sup>1</sup> For the purposes of this lawsuit, Plaintiffs challenge Contra Costa County’s  
27 restrictions as to *semiautomatic* SAO firearms. They do not challenge the restriction  
28 as to other single action only firearms, such as revolvers like the Colt Single Action  
Army “Peacemaker” and its modern reproductions.

1 the Staccato P, the Riverside County Sheriff's Department concluded, "after months  
 2 of rigorous testing," that the handgun is a "reliable, accurate, durable and  
 3 dependable firearm to effectively protect lives in Riverside County." Michael  
 4 Knetzger, *This SWAT Team Was an Early Adopter of the Staccato P. Here's Why*,  
 5 Police1, Nov. 29, 2021, [https://www.police1.com/police-  
 6 products/firearms/articles/this-swat-team-was-an-early-adopter-of-the-staccato-p-  
 7 heres-why-HzFMmzgG3ufkEu8D/](https://www.police1.com/police-products/firearms/articles/this-swat-team-was-an-early-adopter-of-the-staccato-p-heres-why-HzFMmzgG3ufkEu8D/). The officer tasked with testing the pistols  
 8 concluded they are "are just as reliable and much easier to shoot that any other  
 9 current offering I have tested." *Id.*



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20 Staccato 2011 promoting training it did with the LA County Sheriff's Department. The firearms  
 the Department has adopted include red dot sights and flashlights.

21 Source - <https://www.instagram.com/reel/DA08cZHBjkG/?hl=en>

22 15. Firearms equipped with red dot sights and flashlights are commonly  
 23 chosen for self-defense. That is why in most of the country and in most counties and  
 24 cities in California, many people who legally carry handguns for self-defense  
 25 include one or both attachments on their pistols. Even though California has some of  
 26 the nation's strictest gun laws, with several having been struck down as  
 27 unconstitutional in recent years, the legislature has not seen fit to even attempt to  
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1 restrict red dot sights, flashlights, or SAO pistols. To Plaintiffs' knowledge, nor do  
2 any other counties or cities within California, nor do any other cities or states in the  
3 country.

4 16. The one exception is the Contra Costa County Sheriff's Office under  
5 the leadership of Sheriff Livingston. The Sheriff's Office's website states that:  
6 "Prohibited firearms include any single action only firearms. This includes any  
7 semi-automatic handgun made by any manufacturer built on the Colt 1911  
8 configuration." Contra Costa Sheriff's Office, *Apply for a CCW Permit*,  
9 <https://www.cocosheriff.org/how-do-i/apply-for-a-ccw-permit> (step 5) (last visited  
10 Jan. 14, 2026). It also states that: "Firearms with attached laser sights, flashlights,  
11 red dots, and sighting systems are not acceptable." *Id.* Defendants' policies ban  
12 applicants from listing on their CCW permits or carrying: (1) handguns with  
13 attached red dot optics or flashlights, despite these features enhancing safe and  
14 accurate shooting; and (2) any semi-automatic handgun made by any manufacturer  
15 built on the Colt 1911 configuration or similar.<sup>2</sup> These prohibitions effectively  
16 prevent law-abiding citizens from carrying such commonly used arms for self-  
17 defense in public.

18 17. Handguns that operate using an SAO mechanism, and those equipped  
19 with red dot sights and flashlights, are in common use; indeed, they are among the  
20 most popular firearms and accessories in the nation for self-defense. In fact, the  
21 handguns adopted by some of the major law enforcement agencies discussed *supra*  
22 are, in fact, *all three*: Single-action only handguns, equipped with red dot sights and  
23 flashlights.

24 18. Despite these facts, under Defendants' policies, Contra Costa County

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26 <sup>2</sup> Defendants also restrict other single action only firearms, derringers, laser  
27 sights, and also prohibit firearms with modified "triggers, slides, safety mechanisms,  
28 conversions, and magazine releases." While Plaintiffs believe these policies also are  
unconstitutional, their lawsuit here focuses only on the policy as to red dot sights,  
flashlights, and SAO semiautomatic handguns.

1 residents cannot carry SAO 1911-style pistols or attach any kind of red dot sight or  
2 flashlight to their carry guns in public for self-defense. Ironically, because California  
3 CCW permits are valid statewide, people with permits issued by other counties or  
4 cities can legally carry firearms with red dot sights and/or flashlights when visiting  
5 or passing through Contra Costa County. They may also carry SAO firearms.  
6 Defendants' policies and practices prohibit only residents of Contra Costa County  
7 whose rights are hobbled by these unconstitutional policies.

8 19. Moreover, Defendants' policies lack any authority under California  
9 Penal Code § 26150 *et seq.*, which governs carry permit issuance and does not  
10 authorize sheriffs or chiefs of police to impose such arbitrary restrictions on the  
11 types of handguns or features that may be carried in public by its residents.

12 20. Plaintiffs respectfully request that this Court declare these policies  
13 unconstitutional under the Second and Fourteenth Amendments to the United States  
14 Constitution, and enjoin their enforcement.

15 **PARTIES**

16 **Plaintiffs**

17 21. The individual plaintiffs are ordinary, law-abiding, adult residents of  
18 Contra Costa County who desire to carry a firearm in public for lawful self-defense  
19 with a red dot sight and/or flashlight attached, and/or they seek to carry a SAO  
20 semiautomatic handgun. Both individual plaintiffs named herein have concealed  
21 handgun licenses ("CCW permits") issued by Contra Costa County Sheriff's Office,  
22 and have refrained from either carrying a SOA 1911-style pistol or attaching a red  
23 dot sight and/or flashlight to their CCW firearm.

24 22. The individual plaintiffs are natural persons and citizens of the United  
25 States and are eligible to possess firearms under state and federal law and currently  
26 own at least one firearm.

27 23. Specifically, Plaintiff Andrew Moore is a resident of Contra Costa  
28 County and a law-abiding citizen of the United States. He has a CCW permit issued

1 by the Sheriff's Office, but is forbidden from carrying an SOA 1911-style pistol or  
2 attaching a red dot sight and/or flashlight to the firearms he is licensed to carry.

3 24. Plaintiff Moore has qualified, and he is permitted to carry two  
4 handguns as part of his CCW permit. Plaintiff Moore has a Sig Sauer P365 Legion  
5 and a Smith and Wesson 2.0 handgun. Both of these firearms can already accept  
6 both a red dot sight and a mounted flashlight. However, Plaintiff Moore has  
7 refrained from attaching these items to his CCW firearms due to the Defendants'  
8 policies and practices and due to his fear of criminal prosecution and/or the  
9 loss/revocation of his CCW permit if he were to violate Defendants' policies and  
10 practices.

11 25. Plaintiff James Treuel is a resident of Contra Costa County and a law-  
12 abiding citizen of the United States. He has a CCW permit issued by the Sheriff's  
13 Office, but is forbidden from carrying an SOA 1911-style pistol or attaching a red  
14 dot sight and/or flashlight to the firearms he is licensed to carry.

15 26. Plaintiff Treuel has qualified, and he is permitted to carry two handguns  
16 as part of his CCW permit. Plaintiff Treuel has a Sig Sauer P365 and an HK USP  
17 Compact handgun. He can attach both a red dot and a mounted flashlight to his Sig  
18 Sauer pistol, and a flashlight to his HK pistol. However, Plaintiff Treuel has  
19 refrained from attaching these items to his CCW firearms due to the Defendants'  
20 policies and practices and due to his fear of criminal prosecution and/or the  
21 loss/revocation of his CCW permit if he were to violate Defendants' policies and  
22 practices.

23 27. Both individual plaintiffs are members of the associational Plaintiff,  
24 Second Amendment Foundation.

25 28. Plaintiff Second Amendment Foundation ("SAF") is a non-profit  
26 membership organization. It is incorporated under the laws of the state of  
27 Washington and was founded in 1974. SAF has over 720,000 members and  
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1 supporters nationwide, including members in Contra Costa County. SAF is  
2 dedicated to promoting a better understanding of the nation's constitutional heritage  
3 and tradition of privately owning, possessing, and carrying firearms, through  
4 educational and legal action programs designed to better inform the public. SAF is a  
5 pioneer and innovator in defending the right to keep and bear arms, through its  
6 publications and public education programs like the Gun Rights Policy Conference.  
7 SAF also incurs significant expenses to sponsor public interest litigation to defend  
8 its interests and to disseminate information to like-minded individuals. SAF's  
9 policies specifically include the dedication of its resources, litigation experience, and  
10 economies of scale for the purpose of representing people who would otherwise lack  
11 the means and access to resources to successfully bring lawsuits to compel state and  
12 local governments to comply with the Constitution, as intended by the Fourteenth  
13 Amendment, its enforcement provisions, and Congressional statutes enabling the  
14 enforcement of the Constitution by private actors. *See* 42 U.S.C. §§ 1983, 1988.  
15 SAF members, including Plaintiffs Moore and Treuel, who wish to carry firearms  
16 with common attachments are prohibited from doing so thanks to policies and  
17 practices implemented by Defendants. These policies and practices by the  
18 Defendants must be enjoined.

### 19 **Defendants**

20 29. Defendant Contra Costa County is a political subdivision of the State of  
21 California.

22 30. Defendant Contra Costa County Sheriff's Office is a local government  
23 entity created under the laws of the state of California. It exists as an agency and  
24 political subdivision of Defendant Contra Costa County. Through the elected Sheriff  
25 of Contra Costa County, Defendant David Livingston, the Department is responsible  
26 for issuing CCW permits.

27 31. Defendant David Livingston is the elected Sheriff of Contra Costa  
28 County. Defendant Livingston is and, at all times relevant to this complaint, was one

1 of the ultimate policymakers for Defendant Contra Costa County Sheriff's Office.  
2 He has authority and responsibility under California Penal Code section 26150 to  
3 issue CCW permits within the county. He is directly responsible for promulgating,  
4 enforcing, and continuing the policies of the Department, including the unlawful  
5 policies and procedures complained about herein. Defendant Livingston is sued  
6 solely in his official capacity.

7 32. The true names or capacities—whether individual, corporate, associate  
8 or otherwise—of the Defendants named herein as Does 1 through 10 are presently  
9 unknown to Plaintiffs and are therefore sued by these fictitious names. Plaintiffs  
10 pray for leave to amend this Complaint to show the true names or capacities of these  
11 Defendants if and when they have been determined.

#### 12 **JURISDICTION, VENUE, AND DIVISIONAL ASSIGNMENT**

13 33. The Court has original jurisdiction of this civil action under 28 U.S.C. §  
14 1331 because the action arises under the Constitution and laws of the United States,  
15 thus raising federal questions. The Court also has jurisdiction under 28 U.S.C. §  
16 1343(a)(3) and 42 U.S.C. §1983 because this action seeks to redress the deprivation,  
17 under color of the laws, statutes, ordinances, regulations, customs, and usages of the  
18 State of California and political subdivisions thereof, of rights, privileges or  
19 immunities secured by the United States Constitution and by Acts of Congress.

20 34. Plaintiffs' claims for declaratory and injunctive relief are authorized by  
21 28 U.S.C. §§ 2201-2202.

22 35. Plaintiffs' claims for attorney's fees and costs are authorized by 42  
23 U.S.C. § 1988.

24 36. Venue in this judicial district is proper under 28 U.S.C. § 1391(b)(2)  
25 because the events or omissions giving rise to the claims occurred in this district and  
26 its Oakland Division. The Contra Costa County Sheriff's Department is located  
27 within this district and its Oakland Division.  
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## GENERAL ALLEGATIONS

1  
2 37. The Supreme Court has recognized that the Second Amendment  
3 protects the individual right to keep and bear arms including, *inter alia*, the right of  
4 the people to “possess and carry weapons in case of confrontation.” *District of*  
5 *Columbia v. Heller*, 554 U.S. 570, 592 (2008).

6 38. The Supreme Court has also held that the Second Amendment right to  
7 keep and bear arms is incorporated by the Fourteenth Amendment, applying equally  
8 to prohibit infringement by state and local governments. *See McDonald v. City of*  
9 *Chicago*, 561 U.S. 742, 750, 778 (2010) (“[I]t is clear that the Framers and ratifiers  
10 of the Fourteenth Amendment counted the right to keep **and bear** arms among those  
11 fundamental rights necessary to our system of ordered liberty.”) (emphasis added).

12 39. *Heller* established a “text, history, and tradition” framework for  
13 analyzing Second Amendment questions. *See Bruen*, 597 U.S. at 20-23 (citing  
14 *Heller*, 554 U.S. at 634). Under that framework, the *Heller* Court assessed historical  
15 evidence to determine the prevailing understanding of the Second Amendment at the  
16 time of its ratification in 1791. Based on that assessment, the Court concluded that a  
17 District of Columbia statute that prohibited possession of the most common type of  
18 firearm in the nation (the handgun) lacked a Revolutionary-era tradition, did not  
19 comport with the historical understanding of the scope of the right, and therefore  
20 violated the Second Amendment.

21 40. Most recently, the Supreme Court confirmed and reiterated *Heller*’s  
22 historical approach and the standard for applying the Second Amendment:

23 When the Second Amendment’s plain text covers an individual’s  
24 conduct, the Constitution presumptively protects that conduct. The  
25 government must then justify its regulation by demonstrating that  
26 it is consistent with the Nation’s historical tradition of firearm  
27 regulation. Only then may a court conclude that the individual’s  
28 conduct falls outside the Second Amendment’s “unqualified  
command.”

*Bruen*, 597 U.S. at 24 (quoting *Konigsberg v. State Bar of Cal.*, 366 U.S. 36, 50 n.10)

1 (1961)).

2 41. In applying that test, the *Bruen* Court confirmed “that the Second and  
3 Fourteenth Amendments protect an individual’s right to carry a handgun for self-  
4 defense outside the home.” 597 U.S. at 10.

5 42. Firearms equipped with red dot sights and/or flashlights are themselves  
6 “arms” protected by the Second Amendment, as that term is defined as “any thing  
7 that a man wears for his defence, or takes into his hands, or useth in wrath to cast at  
8 or strike another.” *District of Columbia v. Heller*, 554 U.S. 570, 581 (2008) (quoting  
9 1 TIMOTHY CUNNINGHAM, A NEW AND COMPLETE LAW DICTIONARY  
10 (1771)).

11 43. Red dot sights and/or flashlights are “modern instruments that facilitate  
12 armed self-defense” and other lawful purposes because they are designed to improve  
13 firearm safety and operation. *Bruen*, 597 U.S. at 28. The Supreme Court has  
14 explained that the Second Amendment covers “all *instruments* that constitute  
15 bearable arms, even those that were not in existence at the time of the founding.” *Id.*  
16 (quoting *Heller*, 554 U.S. at 582) (emphasis added). Indeed, the Supreme Court has  
17 summarily reversed a lower court reasoning that an item being “a thoroughly  
18 modern invention” is a basis for excluding it from the Second Amendment’s scope.  
19 *Caetano v. Massachusetts*, 577 U.S. 411, 412 (2016) (per curiam) (citation omitted).  
20 It is thus irrelevant whether red dot sights and flashlights existed in the eighteenth  
21 and nineteenth centuries.

22 44. Indeed, several recent handguns approved by the California Department  
23 of Justice for inclusion on the handgun roster it maintains come *from the factory*  
24 with red dot sights already installed. Contra Costa’s rules thus force individuals who  
25 buy those handguns to modify them from their factory setting to be able to carry  
26 them, while their rules simultaneously prohibit “firearms that have been modified.”  
27 For example, the Heckler & Koch VP9F SCS is sold with a Holosun SCS red dot  
28 sight already included, and that is the configuration in which the DOJ runs all its

1 safety tests on it for inclusion onto the roster.<sup>3</sup> A Contra Costa resident who owns  
2 that firearm would presumably not be allowed to carry it, because it is either  
3 prohibited because it has a red dot sight, or alternatively, prohibited because it was  
4 modified to remove the red dot sight.



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17 The California DOJ-approved Heckler & Koch VP9F SCS as it comes from the factory.

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19 45. Yet even if red dot sights and flashlights were examined separately  
20 from the firearms they are meant to be attached to (or already attached to), and  
21 thereby deemed not to be “arms” themselves standing alone, they are still protected  
22 by the Second Amendment because they enhance the safe operation of firearms.  
23 “The Second Amendment’s text is not limited to direct prohibitions on possessing or  
24 using firearms. It states that the ‘right of the people to keep and bear Arms, *shall not*  
25 *be infringed.*” *Ortega v. Grisham*, 148 F.4th 1134, 1143 n.3 (10th Cir. 2025). “[F]or

26  
27 <sup>3</sup> Cal. Dep’t of Justice, Off. of the Att’y Gen., *VP9F SCS\** (Heckler & Koch),  
28 <https://oag.ca.gov/firearms/handgun/vp9f-scs> (last visited June 12, 2026).

1 the right to bear arms to have meaning, the Amendment's text must carry an implicit,  
2 corollary right to bear the components or accessories necessary for the ordinary  
3 functioning of a firearm.” *Duncan v. Bonta*, 133 F.4th 852, 866 (9th Cir. 2025).  
4 Limiting the effectiveness and safety of handguns carried for self-defense is an  
5 infringement on the right to keep and bear arms, even if red dot sights and  
6 flashlights are not arms themselves.

7 46. As for SAO handguns, those are quite obviously “arms” too. As one  
8 example, the 1911 is one of the most influential and popular handguns of all time,  
9 and continues to sell well to this day. It was the “standard issue for the United States  
10 military for decades.” *Miller v. Bonta*, 699 F. Supp. 3d 956, 970 (S.D. Cal. 2023).  
11 Multiple compact versions are made specifically for concealed carry use.

12 47. Plaintiffs’ proposed course of conduct is the same as the proposed  
13 course of conduct in *Bruen*: “carrying handguns publicly for self-defense.” 597 U.S.  
14 at 32. In *Bruen*, New York argued that the Second Amendment “permits a State to  
15 condition handgun carrying in areas ‘frequented by the general public’ on a showing  
16 of a nonspeculative need for armed self-defense in those areas.” *Id.* at 33. The  
17 Supreme Court did not say that “carrying handguns publicly for self-defense without  
18 a showing of nonspeculative need” was the proposed course of conduct because that  
19 “showing of nonspeculative need” was the *burden on the Second Amendment right*.  
20 The burden is not part of the proposed course of conduct; rather, it is the law or  
21 practice being challenged. *See United States v. Martinez*, No. 23-cr-114, slip op. at 3  
22 (E.D. Tex. Apr. 14, 2025) (“The Government next suggests that the ‘conduct’  
23 covered by the text of the Second Amendment should be defined narrowly to fit the  
24 precise conduct regulated by § 922(d)(10)—something like ‘selling a firearm to a  
25 drug trafficker.’ . . . But this impermissibly conflates the two steps of *Bruen*.”) In the  
26 same way, Plaintiffs here need not define their proposed course of conduct as, for  
27 example, “carrying handguns publicly for self-defense with popular attachments that  
28 enhance safety and usability.” *Bruen*’s simpler “carrying handguns publicly for self-

1 defense” applies in this case.

2 48. Alternatively, Plaintiffs’ more specific proposed course of conduct is  
3 lawfully carrying firearms publicly for self-defense with popular attachments that  
4 enhance safety and usability, and/or carrying SAO semiautomatic handguns.  
5 Plaintiffs allege that Contra Costa County Sheriff’s Office policies prevent them  
6 from doing so. Plaintiffs further allege that no historical tradition of valid laws or  
7 regulations from the applicable historical period entirely prohibited the carry of  
8 certain firearms based on common attachments, nor were popular firearms  
9 prohibited from being carried entirely.

10 49. The Supreme Court has been clear: the marketplace of lawful gun  
11 owners determines what arms are protected by the Second Amendment by adopting  
12 them into common use. The wisdom of the Court’s common use test is fully  
13 illustrated by Defendant’s challenged policies, and their attempt to unilaterally  
14 demonize and prohibit the use of commonly owned accessories which serve only to  
15 make the firearms to which they are attached *safer* to use, and time-tested single-  
16 action firearms that have been in safe and effective civilian, military, and law  
17 enforcement use for over a century.

18 50. California State law sets forth objective requirements for a licensing  
19 scheme to issue CCW permits.

20 51. California Penal Code sections 26150, 26155, and 26170 provide that a  
21 sheriff of a county or the chief or other head of a municipal police department of any  
22 city or city and county, upon proof that the applicant meets the statutory  
23 qualifications, shall issue or renew a license to carry a pistol, revolver, or other  
24 firearm capable of being concealed upon the person.

25 52. California Penal Code § 26175 mandates a state-wide uniform  
26 application process for issuance of CCW permits and requires the Attorney General  
27 to issue a statewide standard application form for CCW licenses. Those  
28 qualifications and standards are set forth in form BOF-4012 (includes the

1 standardized application usually filled out online), which is published by the  
2 California Department of Justice and is available at:  
3 <https://oag.ca.gov/system/files/media/bof-4012.pdf>.

4 Generally, California law imposes the following CCW permit application  
5 requirements:

6 (a) When a person applies for a new license or license renewal to  
7 carry a pistol, revolver, or other firearm capable of being  
8 concealed upon the person, the sheriff of a county shall issue or  
renew a license to that person upon proof of all of the following:

9 (1) The applicant is not a disqualified person to receive such a  
10 license, as determined in accordance with the standards set forth in  
Section 26202.

11 (2) The applicant is at least 21 years of age, and presents clear  
12 evidence of the person's identity and age, as defined in Section  
16400.

13 (3) The applicant is a resident of the county or a city within the  
14 county, or the applicant's principal place of employment or  
15 business is in the county or a city within the county and the  
16 applicant spends a substantial period of time in that place of  
17 employment or business. Prima facie evidence of residency within  
18 the county or a city within the county includes, but is not limited  
19 to, the address where the applicant is registered to vote, the  
applicant's filing of a homeowner's property tax exemption, and  
other acts, occurrences, or events that indicate presence in the  
county or a city within the county is more than temporary or  
transient. The presumption of residency in the county or city  
within the county may be rebutted by satisfactory evidence that  
the applicant's primary residence is in another county or city  
within the county.

20 (4) The applicant has completed a course of training as described  
21 in Section 26165.

22 (5) The applicant is the recorded owner, with the Department of  
23 Justice, of the pistol, revolver, or other firearm for which the  
license will be issued.

24 Cal. Penal Code § 26150(a); *see id.* § 26155(a) (listing the same requirements for  
25 when a city's Police Department conducts permit issuance). *See also* § 26170  
26 (listing requirements for deputized persons).

27 53. While Cal. Penal Code Section 26200(b) allows issuing authorities to  
28 include "reasonable restrictions or conditions that the licensing authority deems

1 warranted” on the CCW permit it issues, restricting the use of flashlights, red dot  
2 sights, and SAO semiautomatic handguns is not a “reasonable restriction” both  
3 because it violates the Second Amendment for all the practical reasons discussed  
4 above.

5 54. Further, to Plaintiffs’ knowledge, no other issuing authority in  
6 California has similar restrictions, which also underscores the unreasonableness of  
7 Defendants’ policies. Finally, the intent behind Section 26200(b) was not to give  
8 issuing authorities like Defendants broad discretion to implement any idiosyncratic  
9 rules they want, but rather was meant for “restrictions as to the time, place, manner,  
10 and circumstances under which a licensee may carry a pistol, revolver, or other  
11 firearm capable of being concealed upon the person.”

12 55. To be clear, Plaintiffs do not bring any claim rooted in California law in  
13 this lawsuit. They include reference to the California Penal Code only to provide  
14 context and further emphasize how unreasonable Defendants’ policies are, in  
15 addition to being unconstitutional under the Second Amendment. Defendants are  
16 both violating the Second Amendment and acting beyond the authority that even  
17 state law has granted them.

18 56. As explained in a recent ruling from the Central District of California,  
19 when a Sheriff issuing CCW permits acts beyond the scope of authority granted to  
20 him by state law, he is no longer a state actor immune from claims for damages,  
21 including the nominal damages Plaintiffs seek here. *See Cal. Rifle & Pistol Ass'n v.*  
22 *L.A. Cty. Sheriff's Dep't*, No. 2:23-cv-10169-SPG-ADS, 2025 U.S. Dist. LEXIS  
23 169766, at \*38 (C.D. Cal. July 21, 2025) (“Thus, on the ‘particular issue’ that is  
24 raised by Plaintiffs’ *Monell* claim—namely, any issuance of a decision on a CCW  
25 permit application in excess of the statutory time frame—a county sheriff would  
26 necessarily act as his or her own policymaker to the extent that sheriff has a ‘policy  
27 or practice’ of issuing decisions on CCW permit applications in excess of the time  
28 provided in the California Penal Code § 26205(a).”).

**DECLARATORY AND INJUNCTIVE RELIEF**

1  
2 57. Under *Bruen*, Defendants bear the heavy burden of proving their  
3 policies comply with the Second and Fourteenth Amendments. They will fail to do  
4 so, because their practices have no textual or historical pedigree, representing novel  
5 schemes developed in recent years or decades.

6 58. Accordingly, Plaintiffs seek declaratory relief confirming that  
7 Defendants’ policies against firearms equipped with red dot sights and/or flashlights,  
8 and SAO 1911-style handguns are entirely without any relevant historical precedent.  
9 They are both facially unconstitutional and unconstitutional as applied to the  
10 Plaintiffs and the members and supporters of the associational Plaintiffs.

11 59. Plaintiffs seek injunctive relief to compel Defendants to comply with  
12 the Second Amendment, as clarified by *Bruen*, and the Fourteenth Amendment’s  
13 procedural due process guarantees. Contra Costa County’s CCW permit policies  
14 against red dot sights, flashlights, and SAO semiautomatic handguns must be  
15 immediately enjoined.

16 **FIRST CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**  
17 **U.S. Const. Amends. II, XIV**  
18 **Right to Bear Arms**  
19 **42 U.S.C. § 1983**

(By All Plaintiffs Against All Defendants)

20 60. Plaintiffs hereby reallege and incorporate by reference the allegations in  
21 the foregoing paragraphs as if set forth fully herein.

22 61. Defendants’ policies prohibiting CCW permit holders from carrying  
23 handguns equipped with red dot sights and/or flashlights, or Single Action Only  
24 1911-style handguns entirely, infringe on Plaintiffs’ Second Amendment right to  
25 bear arms in public for self-defense.

26 62. These policies are not consistent with the Nation’s historical tradition  
27 of firearm regulation and thus fail under *Bruen*.

28 63. As a result, Plaintiffs’ Second Amendment rights, as applied to

1 California under the Fourteenth Amendment, as well as the rights of the  
2 associational plaintiff's members and supporters, are violated.

3 64. Defendants are thus propagating customs, policies, and practices that  
4 infringe on Plaintiffs' constitutional right to bear arms outside the home for self-  
5 defense "in case of confrontation," as guaranteed by the Second and Fourteenth  
6 Amendments.

7 65. Defendants cannot satisfy their burden to justify these customs,  
8 policies, and practices that preclude or inhibit and therefore infringe Plaintiffs'  
9 exercise of their enumerated rights.

10 66. Plaintiffs are thus entitled to nominal damages, declaratory, and  
11 injunctive relief, and fee recovery against such unconstitutional customs, policies,  
12 and practices.

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**PRAYER**

WHEREFORE, Plaintiffs request that judgment be entered in their favor and against Defendants as follows:

1. A declaratory judgment that Defendants' policies banning red dot sights, weapon-mounted lights, and SAO 1911-style handguns from being carried in conjunction with a CCW permit violate the Second and Fourteenth Amendments;

2. A declaration that the associational plaintiff's resources and litigation experience are necessary to vindicate the Second Amendment rights of individual Plaintiffs who lack the means and capacity to challenge the constitutionality of the practices of Defendants;

3. An order enjoining all Defendants and all other officers, agents, servants, employees, and persons under the authority of the State, from enforcing the challenged policies, either in general, or at a minimum, as against the individual plaintiffs and all members of Second Amendment Foundation;

4. Costs of suit, including attorney's fees and costs pursuant to 42 U.S.C. § 1988;

5. Nominal damages; and

6. All other relief the court deems appropriate.

Respectfully submitted,

June 17, 2026



John W. Dillon  
Counsel for Plaintiffs

June 17, 2026

**Second Amendment Foundation**



Konstadinos T. Moros  
Counsel for Plaintiff Second Amendment Foundation

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**ATTESTATION OF E-FILED SIGNATURES**

I, John W. Dillon, am the ECF User whose ID and password are being used to file this COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF. In compliance with Northern District of California L.R. 5-1(i)(3), I attest that all signatories are registered CM/ECF filers and have concurred in this filing.

June 17, 2026

/s/ John W. Dillon  
John W. Dillon  
Counsel for Plaintiffs

**PROOF OF SERVICE**

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I declare that I am employed with the law firm of Dillon Law Group APC, whose address is 2647 Gateway Road Suite 105, No. 255, Carlsbad, California 92009. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on June 17, 2026, I served a copy of the following document(s):

- 1. **COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF  
42 U.S.C. §§ 1983 & 1988**
- 2. **PROPOSED SUMMONS**

**BY OVERNIGHT DELIVERY [Code Civ. Proc. sec. 1013(d)]** by placing a true copy thereof enclosed in a sealed envelope with delivery fees provided for, addressed as follows, for collection by either Golden State Overnight or Federal Express, at 2647 Gateway Road Suite 105, No. 255, Carlsbad, California 92009 in accordance with Dillon Law Group APC’s ordinary business practices.

I am readily familiar with Dillon Law Group APC's practice for collection and processing of correspondence for overnight delivery and know that in the ordinary course of Dillon Law Group APC’s business practice the document(s) described above will be delivered to an authorized courier or driver authorized by Golden State Overnight, or Federal Express, to receive documents on the same date that it (they) is (are) placed at Dillon Law Group APC for collection.

**SEE ATTACHED LIST**

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

Executed at Carlsbad, California on June 17, 2026.

/s/ John W. Dillon  
John W. Dillon