

Bond Case Briefs

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MUNICIPAL ORDINANCE - COLORADO

Caldara v. City of Boulder

United States Court of Appeals, Tenth Circuit - April 10, 2020 - F.3d - 2020 WL 1814596

Citizens of city and entities with various interests in the sale or possession of weapons within city brought action challenging municipal ordinance that, inter alia, prohibited the sale or possession of assault weapons within city.

The United States District Court abstained and stayed the proceedings pending resolution of pending state-court case. Plaintiffs appealed.

The Court of Appeals held that abstention under Pullman was proper.

Pullman abstention was warranted in action challenging Colorado city ordinance that, inter alia, prohibited sale or possession of assault weapons within city; issues of whether ordinance violated Colorado statute because at least some firearms covered by ordinance could be legally possessed under state or federal law and whether municipal firearms regulations were matters of local or statewide concern had not been conclusively resolved by state courts, there was no impediment to plaintiffs litigating applicability of state statute to ordinance in state courts, and if state courts were to conclude that ordinance was preempted by state statute, such determination would eliminate need for determination of whether ordinance violated federal constitution.