

App-1

*Appendix A*

**UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT**

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No. 19-156

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NEW YORK STATE RIFLE & PISTOL ASSOCIATION, INC.,  
ROBERT NASH, BRANDON KOCH,

*Plaintiffs-Appellants,*

v.

GEORGE P. BEACH, II, in his official capacity as  
superintendent of the New York State Police,  
RICHARD J. MCNALLY, JR., in his official capacity as  
Justice of the New York Supreme Court, Third  
Judicial District, and Licensing Officer for  
Rensselaer County,

*Defendants-Appellees.*

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Filed: Aug. 26, 2020

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Present: Jon O. Newman, Rosemary S. Pooler, Peter  
W. Hall, *Circuit Judges.*

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**SUMMARY ORDER**

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**ON CONSIDERATION WHEREOF, IT IS  
HEREBY ORDERED, ADJUDGED, AND  
DECREED** that the judgment of said District Court  
be and it hereby is **AFFIRMED**.

App-2

New York State Rifle & Pistol Association, Inc., Robert Nash, and Brandon Koch appeal from the December 17, 2018 judgment of the United States District Court for the Northern District of New York (Sannes, *J.*) dismissing for failure to state a claim their Section 1983 action alleging that New York’s requirement that an applicant for a license to carry a concealed handgun outside of the home show that “proper cause exists for the issuance thereof,” N.Y. Penal Law § 400.00(2)(f), violates the Second Amendment. We assume the parties’ familiarity with the underlying facts, procedural history, and specification of issues for review.

As this Court has recently reaffirmed, New York’s proper cause requirement does not violate the Second Amendment. *Kachalsky v. County of Westchester*, 701 F.3d 81, 83, 100-01 (2d Cir. 2012); *Libertarian Party of Erie County. v. Cuomo*, No. 18-386, 2020 WL 4590250, at \*14 (2d Cir. Aug. 11, 2020). Appellants’ argument that *Kachalsky* was wrongly decided fails under this Court’s precedents.

We have considered the remainder of Appellants’ arguments and find them to be without merit. Accordingly, the judgment of the district court hereby is AFFIRMED.

FOR THE COURT:

Catherine O’Hagan Wolfe,  
Clerk

  
