

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Mark Weston v. U.S. Attorney General

No. 3:25-cv-01613-RBM-MMP (S.D. Cal. Dec. 9, 2025) · No. 3:25-cv-01613-RBM-MMP · Decided December 9, 2025

SUMMARY

The United States District Court for the Southern District of California granted the defendant’s motion to dismiss Mark Weston’s action seeking restoration of his firearm rights under 18 U.S.C. § 925(c). The court held that it lacked subject-matter jurisdiction because the Attorney General or ATF had not issued a denial of a § 925(c) application, and inaction does not permit judicial review. The complaint was dismissed without leave to amend and without prejudice to a future denial of a § 925(c) petition.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Ruth Bermudez Montenegro
JURISDICTION	United States District Court for the Southern District of California
DECIDED	December 9, 2025
DOCKET	3:25-cv-01613-RBM-MMP
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought an action seeking restoration of his federal firearms-possession rights under 18 U.S.C. § 925(c). Defendant moved to dismiss for lack of subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1).
STANDARD OF REVIEW	On a Rule 12(b)(1) motion, the plaintiff bears the burden of establishing subject matter jurisdiction. A jurisdictional attack may be facial or factual, and on a factual attack the court may consider evidence beyond the complaint without converting the motion into one for summary judgment.
PRECEDENTIAL VALUE	unpublished
PARTIES	Mark Weston v. U.S. Attorney General

TOPICS

subject matter jurisdiction

motions to dismiss

civil procedure

PRACTICE AREAS

civil procedure

administrative law

firearms law

constitutional law

QUESTIONS PRESENTED

1. Whether the district court had subject matter jurisdiction under 18 U.S.C. § 925(c) to review Plaintiff's firearms-disability claim absent an actual denial by the Attorney General or ATF.
2. Whether Plaintiff should be granted leave to amend his Complaint.
3. Whether the court could grant Plaintiff's requests to remove prohibitory firearm records and otherwise restore his firearm-possession rights without a qualifying denial under § 925(c).

HOLDINGS

1. A district court lacks jurisdiction to review a firearms-disability claim under 18 U.S.C. § 925(c) unless the Attorney General or ATF has made an actual, dispositive denial of a § 925(c) application; agency inaction or the absence of an administrative process is not a denial.
2. The court lacked jurisdiction to grant Plaintiff's additional requests to remove prohibitory entries and restore his firearm rights because those requests likewise depended on a qualifying denial reviewable under § 925(c).
3. Leave to amend was properly denied because no additional set of facts could invoke the court's jurisdiction under § 925(c) while the federal relief program remained unfunded and no actual denial existed.

KEY QUOTATIONS

“These procedures “for seeking relief make clear that an actual decision by ATF on an application is a prerequisite for judicial review, and that mere inaction by ATF does not invest a district court with independent jurisdiction to act on an application.”” (at 5)

“As such, “judicial review under § 925(c) cannot occur without a dispositive decision by ATF.”” (at 5)

““Inaction . . . does not amount to a ‘denial’ within the meaning of § 925(c).”” (at 5)

“Accordingly, the Complaint is DISMISSED WITHOUT LEAVE TO AMEND. This dismissal is without prejudice to any subsequent denial of Plaintiff’s petition for relief under § 925(c).” (at 7)

FACTUAL BACKGROUND

Plaintiff's federal firearms background check was denied after the FBI's NICS Section matched him with a prohibiting record under 18 U.S.C. § 922(g)(4). Although a California superior court had granted Plaintiff relief from a firearms prohibition, his records-correction requests to the FBI were unsuccessful. Plaintiff alleged that federal authorities had failed to provide a process for relief under 18 U.S.C. § 925(c), but he had not submitted a § 925(c) application to the Attorney General or ATF and had received no denial on the merits.

PROCEDURAL HISTORY

Plaintiff filed the Complaint and a motion for relief from federal firearms disabilities on June 24, 2025. Defendant moved to dismiss. The court granted the motion, dismissed the Complaint without leave to amend, and denied Plaintiff's remaining motions as moot.

DISPOSITION

dismissed

CASES CITED

- Kokkonen v. Guardian Life Insurance Co. of America, 511 U.S. 375, 377 (1994)
- Tosco Corp. v. Communities for a Better Environment, 236 F.3d 495, 499 (9th Cir. 2001)
- Hertz Corp. v. Friend, 559 U.S. 77 (2010)
- Safe Air for Everyone v. Meyer, 373 F.3d 1035, 1039 (9th Cir. 2004)
- White v. Lee, 227 F.3d 1214, 1242 (9th Cir. 2000)
- United States v. Bean, 537 U.S. 71, 74-78 (2002)
- Burtch v. United States Department of the Treasury, 120 F.3d 1087, 1090 (9th Cir. 1997)
- Jones v. California, No. 2:23-CV-02769-FLA (JC), 2023 WL 5310221, at *2 (C.D. Cal. Aug. 16, 2023)
- Jones v. California, No. 23-55746, 2024 WL 2844658 (9th Cir. June 5, 2024)
- Mai v. United States, 952 F.3d 1106, 1111 (9th Cir. 2020)
- Zherka v. Bondi, 140 F.4th 68, 71 n.4 (2d Cir. 2025)
- United States v. McGill, 74 F.3d 64, 67 (5th Cir. 1996)
- Nordstrom v. Ryan, 762 F.3d 903, 908 (9th Cir. 2014)