

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY, CENTRAL DIVISION

Hubert Frank Ford v. Pamela J. Bondi, et al.

Civil Action No. 3:25-CV-063-CHB (E.D. Ky. May 8, 2026) · No. 3:25-CV-063-CHB · Decided May 8, 2026

SUMMARY

The United States District Court for the Eastern District of Kentucky addresses motions to dismiss Hubert Frank Ford’s challenge to the constitutionality of Kentucky’s firearm-possession prohibition as applied to him. The court denies the first motion to dismiss as moot because an amended complaint superseded the original, and grants the second motion. It concludes that Ford lacks a sufficient basis to invoke the Ex parte Young exception against Kentucky’s Attorney General because the Attorney General lacks a sufficiently direct and imminent enforcement connection to the challenged statute, and the court therefore does not reach the merits.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky, Central Division
WRITING FOR THE COURT	Claria Horn Boom
JURISDICTION	United States District Court for the Eastern District of Kentucky, Central Division
DECIDED	May 8, 2026
DOCKET	3:25-CV-063-CHB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought an action seeking declaratory and injunctive relief against Russell Coleman, in his official capacity as Kentucky Attorney General, challenging the constitutionality of 18 U.S.C. § 922(g)(1) and Kentucky Revised Statutes § 527.040(1) as applied to him. The court considered Coleman’s motions to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).
STANDARD OF REVIEW	On a facial Rule 12(b)(1) jurisdictional challenge, the court accepted the complaint’s allegations as true. Under Rule 12(b)(6), the court viewed the complaint in the light most favorable to the plaintiff, accepted well-pleaded allegations as true, drew reasonable inferences in the plaintiff’s favor, and required sufficient factual matter to state a plausible claim for relief.

PRECEDENTIAL VALUE	Unknown; district court memorandum opinion and order with no reporter citation.
PARTIES	Hubert Frank Ford v. Pamela J. Bondi, et al.

TOPICS

second amendment sovereign immunity standing motions to dismiss civil procedure

PRACTICE AREAS

constitutional law civil rights federal jurisdiction civil procedure remedies

QUESTIONS PRESENTED

1. Whether Ford had standing to seek declaratory and injunctive relief against the Kentucky Attorney General based on an alleged future enforcement of Kentucky Revised Statutes § 527.040(1).
2. Whether the Eleventh Amendment barred Ford’s official-capacity claims against the Kentucky Attorney General because the Ex parte Young exception did not apply.
3. Whether Coleman’s contingent and discretionary authority under Kentucky Revised Statutes §§ 15.020, 15.190, 15.200, and 418.075, and 28 U.S.C. § 2403(b), constituted a sufficient enforcement connection for the Ex parte Young exception.
4. Whether Coleman’s first motion to dismiss the original complaint became moot after Ford filed an amended complaint.

HOLDINGS

1. The Eleventh Amendment barred Ford’s official-capacity claims against Kentucky Attorney General Russell Coleman because Ford did not allege that Coleman had enforced or threatened to enforce Kentucky Revised Statutes § 527.040(1), and Coleman lacked the required special relation to or express enforcement responsibility for that statute.
2. Ford lacked standing because he alleged no injury caused by Coleman that would be redressed by an order against Coleman.
3. Coleman’s first motion to dismiss the original complaint was moot because Ford’s amended complaint superseded the original complaint.

KEY QUOTATIONS

“Because Ex parte Young “requires more than a bare connection to administering a statute,” Russell, 784 F.3d at 1047, and Plaintiff has not alleged any more than this “bare connection,” the Court finds Defendant’s Eleventh Amendment sovereign immunity remains intact.”

“Accordingly, Defendant may prosecute a violation of K.R.S. § 527.040 only if one of the enumerated officials in K.R.S. §§ 15.190, 15.200 specifically requested he do so and if Defendant chose to exercise his discretion to act.”

“Plaintiff therefore lacks standing to bring suit against Defendant.”

FACTUAL BACKGROUND

Ford pleaded guilty in 1997 to executing a scheme to defraud a financial institution, in violation of 18 U.S.C. § 1344, and was sentenced to fifteen months in prison. Because of that conviction, he was prohibited from possessing firearms under 18 U.S.C. § 922(g)(1) and Kentucky Revised Statutes § 527.040(1). Ford alleged that he wished to possess a firearm and that the prohibitions were unconstitutional as applied to him because he was not a dangerous person. He sued Kentucky Attorney General Russell Coleman in his official capacity, alleging that Coleman might enforce the Kentucky statute against him and seeking declaratory and injunctive relief.

PROCEDURAL HISTORY

After Coleman filed a motion to dismiss the original complaint, Ford filed a first amended complaint. Coleman then moved to dismiss the amended complaint. The court denied the first motion as moot because the amended complaint superseded the original complaint, granted the second motion, and dismissed all claims against Coleman with prejudice.

DISPOSITION

dismissed

CASES CITED

- ComputerEase Software, Inc. v. Hemisphere Corp., 2007 WL 852103 (S.D. Ohio Mar. 19, 2007)
- Wright v. Memphis Light, Gas & Water Division, 2012 WL 3683484 (W.D. Tenn. Aug. 24, 2012)
- Kentucky Press Association, Inc. v. Kentucky, 355 F. Supp. 2d 853 (E.D. Ky. 2005)
- United States v. Hubert Frank Ford, No. 5:97-CR-35-KSF (E.D. Ky. 1997)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)
- Gavitt v. Born, 835 F.3d 623 (6th Cir. 2016)
- Jelovsek v. Bredesen, 545 F.3d 431 (6th Cir. 2008)
- Zurich Insurance Co. v. Logitrans, Inc., 297 F.3d 528 (6th Cir. 2002)
- Gentek Building Products, Inc. v. Sherwin-Williams Co., 491 F.3d 320 (6th Cir. 2007)
- United States v. Ritchie, 15 F.3d 592 (6th Cir. 1994)
- Barry v. Lyon, 834 F.3d 706 (6th Cir. 2016)
- Ward v. Alternative Health Delivery System, 261 F.3d 624 (6th Cir. 2001)
- Hermann Hospital v. MEBA Medical & Benefits Plan, 845 F.2d 1286 (5th Cir. 1988)
- Does v. Whitmer, 69 F.4th 300 (6th Cir. 2023)
- Russell v. Lundergan-Grimes, 784 F.3d 1037 (6th Cir. 2015)
- Children’s Healthcare Is a Legal Duty, Inc. v. Deters, 92 F.3d 1412 (6th Cir. 1996)
- Moravec v. Cameron, 2023 WL 8241519 (E.D. Ky. Nov. 28, 2023)

- W.O. v. Beshear, 2020 WL 2134088 (E.D. Ky. May 5, 2020)
- Pennhurst State School & Hospital v. Halderman, 465 U.S. 89 (1984)
- Edelman v. Jordan, 415 U.S. 651 (1974)
- Ex parte Young, 209 U.S. 123 (1908)
- Commonwealth v. Hamilton, 411 S.W.3d 741 (Ky. 2013)
- Mendez v. Heller, 530 F.2d 457 (2d Cir. 1976)
- Doe v. Holcomb, 883 F.3d 971 (7th Cir. 2018)
- Morris v. Livingston, 739 F.3d 740 (5th Cir. 2014)
- Fisher v. Peters, 249 F.3d 433 (6th Cir. 2001)
- Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992)
- Nikolao v. Lyon, 875 F.3d 310 (6th Cir. 2017)
- Town of Chester, New York v. Laroe Estates, Inc., 581 U.S. 433 (2017)
- Susan B. Anthony List v. Driehaus, 573 U.S. 149 (2014)
- Turaani v. Wray, 988 F.3d 313 (6th Cir. 2021)