2026 IL App (2d) 240633-U
No. 2-24-0633
Order filed September 11, 2026

NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

RICHARD E. BEAVERS, Plaintiff-Appellee,

v.

ILLINOIS STATE POLICE and PEOPLE OF THE STATE OF ILLINOIS, Defendants-Appellants.

Appeal from the Circuit Court of Kane County.
Honorable Kevin T. Busch, Judge, Presiding.
No. 23-MR-55

JUSTICE SCHOSTOK delivered the judgment of the court.
Presiding Justice Kennedy concurred in the judgment.
Justice McLaren dissented.

ORDER

¶ 1 *Held*: The trial court erred by requiring the Illinois State Police to approve plaintiff's firearms purchases.

¶ 2 Defendants, the Illinois State Police (ISP) and the People of the State of Illinois, appeal from the trial court's order that required the ISP to approve *pro se* plaintiff Richard E. Beavers's firearms purchases. For the following reasons, we reverse.

¶ 3 I. BACKGROUND

¶ 4 A. Statutory Background

¶ 5 In Illinois, there are two legal hurdles to purchase a firearm. See *Brown v. Kelly*, 2024 IL App (4th) 231092-U, ¶ 5, *pet. for leave to appeal denied*, No. 131394 (Mar. 25, 2025).[1] The first hurdle requires the purchaser to possess a firearm owners identification (FOID) card. 430 ILCS 65/2(a)(1) (West 2022). The requirements and process to obtain a FOID card are governed by the Firearm Owners Identification Card Act (FOID Card Act) (430 ILCS 65/0.01 *et seq.* (West 2022)). The FOID Card Act gives the ISP the authority to approve or deny FOID card applications. *Id.* § 5. A person whose FOID card was denied or revoked may seek relief through a judicial proceeding. *Id.* § 10.

¶ 6 The second hurdle requires the purchaser to pass a background check through the National Instant Criminal Background Check System (NICS) that reveals no legal justification for denying the transaction. *Id.* § 3.1(b); 18 U.S.C. § 922(t)(1) (2024). The NICS is operated by the FBI, and the process is governed by federal law. See 18 U.S.C. § 922(t)(1) (2024); see also 34 U.S.C. § 40901 (2024) (directing the U.S. attorney general to establish the NICS).

¶ 7 The background check is initiated by a federal firearms licensee (FFL), which federal regulations define as "a person licensed by the [Bureau of Alcohol, Tobacco, Firearms and Explosives] as a manufacturer, dealer, or importer of firearms." 28 C.F.R. § 25.2 (2025). To initiate the background check, the FFL contacts a state's appointed point-of-contact (POC) or the

[1]We may rely on the reasoning of a nonprecedential decision under Illinois Supreme Court Rule 23 (eff. June 3, 2025). *Zhao v. State Farm Fire & Casualty Co.*, 2025 IL App (2d) 240723, ¶ 30; *People v. Ingram*, 2020 IL App (2d) 180353, ¶ 21 n.1.

NICS directly if there is no POC. *Id.* § 25.6(a). The ISP is Illinois's POC. 430 ILCS 65/3.1(e)(1) (West 2022). After a POC receives a request for a background check, it must:

> "(1) Verify the eligibility of the FFL either by verification of the FFL number or an alternative POC-verification system;
>
> (2) Enter a purpose code indicating that the query of the system is for the purpose of performing a NICS background check in connection with the transfer of a firearm; and
>
> (3) Transmit the request for a background check *** to the NICS." 28 C.F.R. § 25.2 (2025).

¶ 8 Next, NICS will search a database for matching records and provide an electronic response to the POC. *Id.* § 25.6(f). The database includes records from the National Crime Information Center (NCIC) and the Interstate Identification Index (III). *Id.* § 25.4. The electronic response contains "any potentially disqualifying information" found in matching records. *Id.* Based on the response from NICS, the POC will confirm any matching records and "[n]otify the FFL that the transfer may proceed, is delayed pending further record analysis, or is denied." *Id.* § 25.6(g). If the transfer or receipt of a firearm would not violate federal or state law, then NICS assigns a unique identification number to the transfer and provides the FFL with that number. 18 U.S.C. § 922(t)(2) (2024). A firearm transfer will be denied if the records demonstrate "that receipt of a firearm by the prospective transferee would violate 18 U.S.C. [§] 922 or state law." 28 C.F.R. § 25.6(c)(1)(iv)(C) (2025). The transfer of a firearm is prohibited, *inter alia*, if the purchaser "has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year" or "a misdemeanor crime of domestic violence." 18 U.S.C. § 922(g)(1), (9) (2024).

¶ 9 Notably, FFLs and POCs are required to abide by NICS regulations. A POC that violates the regulations "shall be subject to a fine not to exceed $10,000 and subject to cancellation of NICS inquiry privileges." 28 C.F.R. § 25.11(a) (2025).

¶ 10 B. Factual Background

¶ 11 In July 2019, the ISP denied plaintiff's application for a FOID card because of his criminal history, including a 1988 felony conviction for burglary (Ill. Rev. Stat. 1987, ch. 38, ¶ 19-1 (now 720 ILCS 5/19-1 (West 2024))) (Du Page County, case No. 87-CF-2509), a 1995 misdemeanor conviction for domestic battery (720 ILCS 5/12-3.2 (West 1994)) (Kane County, case No. 95-CM-2310), a 2005 felony conviction for deceptive practices (720 ILCS 5/17-1(B)(d) (West 2004)) (La Salle County, case No. 05-CF-309), and a 2007 felony conviction for theft/deception (720 ILCS 5/16-1(a)(2) (West 2006)) (Du Page County, case No. 05-CF-998). In August 2019, plaintiff filed a petition for relief from the ISP's decision in the trial court under section 10(c) of the FOID Card Act (430 ILCS 65/10(c) (West 2022)) (case No. 19-MR-998) (2019 FOID Petition). While the 2019 FOID Petition was pending, plaintiff obtained orders expunging his conviction for domestic battery and sealing the records of his felony convictions. However, the expungement was vacated on June 17, 2020 (case No. 19-CM-1). On February 2, 2022, the trial court denied plaintiff's 2019 FOID Petition, finding that plaintiff was dishonest in his FOID card application by denying that he had a domestic battery conviction, and in his petition to expunge the domestic battery conviction by omitting critical information. Plaintiff filed a motion to reconsider under a new case number (No. 22-MR-199), which the trial court denied.

¶ 12 On February 7, 2023, plaintiff filed the instant petition for relief from ISP's denial of his FOID card application. He stated that when he applied for a FOID card, he mistakenly believed that his domestic violence conviction had been expunged because the Kane County circuit court clerk could not find the file. He asserted that issuing him a FOID card was not against the public interest because he was not likely to act in a manner dangerous to public safety since it had been over two decades since his convictions. On June 12, 2024, the trial court granted plaintiff's petition

after an evidentiary hearing. The trial court found that plaintiff had not been convicted of a forcible felony within 20 years (see 430 ILCS 65/10(c)(1) (West 2022)), plaintiff was unlikely to act in a manner dangerous to public safety (*id.* § 10(c)(2)), granting the petition was not contrary to the public interest (*id.* § 10(c)(3)), and granting his petition would not be contrary to federal law (*id.* § 10(c)(4)). The trial court entered a written order granting the petition the next day.

¶ 13 On July 9, 2024, plaintiff filed a motion to "activate my FOID card." Plaintiff asked the trial court "to get [the] ISP to activate my FOID card that [it] restored my rights for." On August 5, 2024, the trial court entered an order requiring the ISP to issue plaintiff's FOID card "within two weeks of [the] entry of this order." The ISP complied with the trial court's order.

¶ 14 On August 14, 2024, plaintiff filed a motion "to be able to purchase a firearm." Plaintiff stated, "I purchased a firearm and I'm not allowed to pick it up, I do not think [the] ISP is following [the] Judge's order that was granted." In response, the ISP stated that plaintiff's purchase was denied after the NICS background check showed plaintiff's felony and domestic violence convictions. The ISP argued that this was an issue with the federal government and that it had no authority to approve the transaction.

¶ 15 On August 28, 2024, the trial court ordered the ISP to contact NICS and send a copy of the June 12, 2024, order granting plaintiff's petition. The ISP did so and asked NICS to confirm whether plaintiff could purchase a firearm. However, NICS did not respond to the ISP.

¶ 16 On October 11, 2024, the trial court granted plaintiff's motion and ordered that:

> "[the] ISP, through its Director or the Director's designee, is to approve the purchase of a firearm by [plaintiff] with a valid [FOID card] based on the Court's grant of relief from his previous convictions, including his conviction for a misdemeanor domestic battery, under 430 ILCS 65/10(c) on June 12, 2024, provided, however, that [the] ISP may deny a firearm

> purchase if there are state or federal prohibitors applicable to [plaintiff] unrelated to the misdemeanor domestic battery and burglary addressed in the Court's June 13 and August 2[8], 2024[,] orders, and in accordance with applicable laws governing the purchase of firearms. Provided that said denial shall not occur without prior leave of court."

The trial court also set the matter "for further status" on December 4, 2024.

¶ 17 On October 18, 2024, defendants filed a notice of appeal of the trial court's October 11, 2024, order. That same day, plaintiff filed a motion to "be able to purchase firearms" asking the trial court to "make an arrest warrant for [the] ISP director for contempt" after he was denied the purchase of a firearm because "as soon as they run my name [it] is denied immediately."

¶ 18 On October 21, 2024, defendants moved to stay enforcement of the trial court's October 11, 2024, order pending appeal. On October 25, 2024, the trial court denied defendants' motion to stay and issued a rule to show cause why the ISP director should not be held in contempt for violating the October 11, 2024, order.

¶ 19 On October 29, 2024, defendants requested a stay of the trial court's October 11, 2024, order in this court, which we denied on November 7, 2024.

¶ 20 On December 4, 2024, the trial court entered an agreed order discharging the rule to show cause based on ISP's compliance with the October 11, 2024, order.

¶ 21 After briefing was completed in this court, we requested supplemental briefing. In their supplemental brief, defendants stated that plaintiff was approved for six firearm purchases between November 2024 and October 2025.

¶ 22 II. ANALYSIS

¶ 23 We must first consider our jurisdiction to entertain defendants' appeal. *Lebron v. Gottlieb Memorial Hospital*, 237 Ill. 2d 217, 251-52 (2010). Under Illinois Supreme Court Rule 301 (eff.

Feb. 1, 1994) and Rule 303 (eff. July 1, 2017), we have jurisdiction over appeals from final judgments in the trial court when the notice of appeal is filed within 30 days of the entry of the final judgment. "To be 'final,' a judgment or order must terminate the litigation and fix absolutely the parties' rights, leaving only enforcement of the judgment." *Richter v. Prairie Farms Dairy, Inc.*, 2016 IL 119518, ¶ 24. To determine whether an order is final, we look at its substance rather than its form. *Id.* Defendants assert that the trial court's October 11, 2024, order is a permanent injunction. A permanent injunction is a final and appealable order. *Skolnick v. Altheimer & Gray*, 191 Ill. 2d 214, 222 (2000). "A permanent injunction is of unlimited duration and 'alters the status quo,' meaning that it adjudicates rights between the interested parties." *Id.* Further, it requires a party "to do a particular thing, or to refrain from doing a particular thing." *In re A Minor*, 127 Ill. 2d 247, 261 (1989).

¶ 24 In this case, though the trial court's June 13, 2024, order granted plaintiff's requested relief under section 10(c) of the FOID Card Act, that order did not fix the rights of the parties absolutely and finally. As previously noted, receipt of a FOID card is only the first legal hurdle to overcome to purchase a firearm in Illinois. See *Brown*, 2024 IL App (4th) 231092-U, ¶ 5. The trial court's June 13, 2024, order only addressed the first hurdle by requiring the ISP to issue plaintiff a FOID card. Upon encountering the second hurdle, plaintiff continued the matter by seeking relief in the trial court. Thereafter, the trial court's October 11, 2024, order granted plaintiff relief at the second hurdle and entered an order that required the ISP to approve plaintiff's firearms purchases. The ISP could only deny a purchase with leave of court if the NICS background check revealed a disqualification other than the 1995 domestic violence conviction and 1988 burglary conviction. Such an order constitutes a final and appealable permanent injunction, as it is of unlimited duration, alters the status quo, and requires the ISP to do a particular thing: approve plaintiff's firearms

purchases. Further, the October 11, 2024, order fully and finally adjudicated both legal hurdles to obtaining a firearm.

¶ 25 We note that defendants' notice of appeal was premature because it was filed while a rule to show cause was still pending in the trial court. See *In re Marriage of Knoerr*, 377 Ill. App. 3d 1042, 1049-50 (2007). However, this premature notice of appeal does not divest us of jurisdiction. Supreme Court Rule 303(a)(2) (eff. July 1, 2017), provides that a notice of appeal filed before the resolution of a timely postjudgment motion becomes effective after the order disposing of that motion is entered. See *In re Marriage of Kane*, 2016 IL App (2d) 150774, ¶ 17 ("this court has long interpreted Rule 303(a)(2) to allow the effectuation of a notice of appeal upon the resolution of a pending claim"). Thus, defendants' notice of appeal became effective on December 4, 2024, when the trial court discharged the rule to show cause.

¶ 26 Additionally, we do not lack jurisdiction because the December 4, 2024, order was entered as an agreed order. See *McGath v. Price*, 342 Ill. App. 3d 19, 31 (2003) (an agreed order is not appealable unless it was the result of fraud, coercion, or inequities between the parties). Defendants did not file a notice of appeal for that order and did not advance any arguments related to that order in their briefs, so it is not at issue on appeal. *Cf. A.M. Realty Western L.L.C. v. MSMC Realty, L.L.C.*, 2016 IL App (1st) 151087, ¶ 82 (trial court's order awarding fees and costs was not reviewable because the plaintiff did not file a new or amended notice of appeal regarding that order).

¶ 27 This matter is also not moot. Matters are moot if the reviewing court cannot grant the complaining party effectual relief. *In re Marriage of Eckersall*, 2015 IL 117922, ¶ 9. Generally, a defendant's act of voluntary ceasing allegedly wrongful conduct does not make a case moot unless it is absolutely clear that such behavior could not reasonably be expected to recur. *Kristen*

B. v. Department of Children and Family Services, 2022 IL App (1st) 200754, ¶ 25. Though the ISP has complied with the trial court's order, it has only done so after twice being denied a stay and under the threat of sanctions by the trial court. The ISP maintains that it wishes to refuse any future firearms purchases by plaintiff based on the NICS background check and consistent with federal law. Thus, a controversy still exists, and we may grant effectual relief through the reversal of the October 11, 2024, order. Accordingly, we have jurisdiction to consider the merits of defendants' appeal.

¶ 28 Next, we must admonish plaintiff for his violations of Supreme Court Rule 341 (eff. Oct. 1, 2020). Rules 341(i) and (h)(7), require that an appellee's brief contain an argument with citation to authorities. See *Vancura v. Katris*, 238 Ill. 2d 352, 373 (2010). Plaintiff's entire argument is that "NICS doesn't have the authority to approve or deny firearm purchases in IL. Only [the] ISP FOID [department] does." Plaintiff's perfunctory argument contains no citation to any supporting authority. While we recognize that plaintiff is *pro se*, "[a] *pro se* litigant such as plaintiff here is not entitled to more lenient treatment than attorneys. In Illinois, parties choosing to represent themselves without a lawyer must comply with the same rules and are held to the same standards as licensed attorneys." *Holzrichter v. Yorath*, 2013 IL App (1st) 110287, ¶ 78. The failure to cite to authority may result in the forfeiture of arguments. *Northwestern Memorial Hospital v. Sharif*, 2014 IL App (1st) 133008, ¶ 20. Nevertheless, plaintiff's violations do not hinder our review. We caution plaintiff against failing to adhere to our supreme court's rules in future filings.

¶ 29 Turning to the merits, defendants argue that the ISP had no ability to comply with the trial court's order requiring it to approve plaintiff's firearms purchases. Relying on *Brown*, 2024 IL App (4th) 231092-U, defendants contend that NICS, as a federal agency, is not bound by a state

court's ruling on an issue of federal law and that the ISP is bound by the federal statutes and regulations governing the NICS process. We agree.

¶ 30 The plaintiff in *Brown* pleaded guilty to misdemeanor inflicting corporal injury to a spouse under California law and was sentenced to 36 months' probation. *Id.* ¶ 10. Despite this conviction the plaintiff held a FOID card "for many years." *Id.* ¶ 11. On an application to renew his FOID card in 2013, the plaintiff stated that he did not have a conviction for domestic battery or a similar offense. *Id.* When the plaintiff attempted to purchase a firearm in 2016, his background check revealed the California conviction. *Id.* The plaintiff was thereafter informed by the ISP that his FOID card was revoked due to the conviction. *Id.* ¶ 12.

¶ 31 The plaintiff petitioned the trial court for relief from the revocation of his FOID card under section 10(c) of the FOID Card Act, which the trial court granted. *Id.* ¶ 13. Ultimately, our supreme court affirmed the trial court's decision. *Id.*; see *Brown v. Illinois State Police*, 2021 IL 126153, ¶ 60. The supreme court determined that the plaintiff had his civil rights restored because the conviction made him ineligible to possess firearms for only 10 years under California law. *Brown*, 2021 IL 126153, ¶ 45. After those 10 years, "the state of California deemed [the plaintiff] sufficiently trustworthy to possess firearms despite his prior conviction." *Id.* Thus, the supreme court affirmed the trial court's order directing the ISP to issue a FOID card to the plaintiff. *Id.* ¶ 60.

¶ 32 However, the plaintiff later attempted to purchase a firearm but was denied. *Brown*, 2024 IL App (4th) 231092-U, ¶ 15. The plaintiff filed a complaint "for a writ of *mandamus* and/or petition for rule to show cause." *Id.* ¶ 16. The plaintiff argued that under the supreme court's ruling, the ISP was required to approve his purchase. *Id.* NICS indicated to the ISP that the

plaintiff was federally prohibited from purchasing a firearm. *Id.* ¶ 18. The trial court issued a writ of *mandamus*, reasoning that the ISP was required to follow our supreme court's opinion. *Id.* ¶ 21.

¶ 33 On appeal, the defendant argued that NICS, as a federal agency, was not bound by the Illinois Supreme Court's decision and that the ISP was bound by federal regulations to accept NICS's determination. *Id.* ¶ 31. The Fourth District agreed, stating:

> "The parties' arguments touch on matters related to the supremacy clause of the United States Constitution (U.S. Const., art. VI, cl. 2) and preemption. Under the supremacy clause, federal law preempts state law when 'a conflict occurs that makes simultaneous compliance with both federal and state regulations impossible.' *Soltysik v. Parsec, Inc.*, 2022 IL App (2d) 200563, ¶ 31. Consideration of the FOID [Card] Act and the relevant federal regulations reveals the function of [the] ISP, though a state agency, in conducting the federally mandated background search is a role created and defined by federal law. [The] ISP had no discretion to reject a determination of NICS. If we were to accept plaintiff's argument and order [the] ISP to approve the transaction, we would be usurping federal regulations that set the background-search requirements and created NICS, as well as the regulations that require [the] ISP, acting as an agent of NICS (see 28 C.F.R. § 25.10(a) (2024) (referring to a POC as an agent of NICS)) to deny approval of unauthorized transactions. Such an interpretation is in direct conflict with the supremacy clause." *Id.* ¶ 38.

The court further observed that "it appears the decision of NICS is based on the same California conviction at issue in [our supreme court's opinion]. However, it is not within the purview of this court to dictate how NICS, a federal agency, interprets and applies federal law." *Id.* ¶ 41 (citing *Coram v. State*, 2013 IL 113867, ¶ 103 (Burke, J., concurring) ("A determination by an Illinois

state court as to whether an applicant for a FOID card would be in compliance with federal law if he were to possess a firearm has no binding effect on federal authorities")).

¶ 34 Here, we agree with the Fourth District's analysis and disposition. Federal statutes and regulations define and govern the ISP's role in the NICS background check process. The ISP and NICS were required to deny the transfer of a firearm if the transfer violates federal law. See 28 C.F.R. § 25.6(c)(1)(iv)(C) (2025); 18 U.S.C. § 922(g)(9) (2024). NICS determined that plaintiff's purchase and possession of a firearm would violate federal law, as he has been convicted of a felony and misdemeanor domestic battery. See 18 U.S.C. § 922(g)(1), (9) (2024). The ISP had no discretion to reject this determination. Because this is a matter of federal law, "it is not within the purview of this court to dictate how NICS, a federal agency, interprets and applies federal law." *Brown*, 2024 IL App (4th) 231092-U, ¶ 41. Holding otherwise would usurp well-established principles of federalism and violate the supremacy clause. See *id.* Accordingly, the trial court erred by ordering that the ISP must approve plaintiff's firearms purchases.

¶ 35 However, plaintiff is not left without a potential remedy. See *id.* ¶ 42. Federal regulations offer him several avenues for relief. See 28 C.F.R. § 25.10 (2025). For example, plaintiff may contact the FBI's NICS operations center to investigate and correct any errors in his background check. *Id.* § 25.10(d). He may also bring an action in federal court against the FBI and NICS seeking an order directing that the contested information be corrected or that the firearm transfer be approved. *Id.* § 25.10(f).

¶ 36 III. CONCLUSION

¶ 37 For the reasons stated, we reverse the judgment of the circuit court of Kane County.

¶ 38 Reversed.

¶ 39 JUSTICE McLAREN, dissenting.

¶ 40 I respectfully dissent because we lack jurisdiction, this appeal is moot, the majority issues an advisory disposition, and it is incorrect on the merits. As a result, this appeal should be dismissed rather than reversed.

¶ 41 My dissent is broad because it is not clear what exactly the majority is reversing by this order. It appears to be reversing the October 11 order which defendants complied with by agreement. Normally, agreed orders are not subject to appeal. See *McGath v. Price*, 342 Ill. App. 3d 19, 31 (2003) ("we do not have jurisdiction to review the [trial court's] order, because it is an agreed order").

¶ 42 Although defendants averred in its supplemental brief that plaintiff may keep his firearms, it may now use the majority's order to claim that the majority reversed the trial court's order that reinstated the plaintiff's FOID card. If that is what the majority intended, it has not so stated. If there are subsequent proceedings, the trial judge may need to understand we have no jurisdiction over the order granting the reinstatement of the plaintiff's FOID card.

¶ 43 We lack jurisdiction because defendants failed to file a notice of appeal from the trial court's final judgment. The court entered a final judgment on June 13, 2024, wherein trial court granted plaintiff relief under section 10(c) of the FOID Card Act. The court found, *inter alia*, that "granting relief would not be contrary to federal law" and restored plaintiff's Second Amendment civil right to keep and bear arms under Illinois and federal law. See *Evans v. Cook County. State's Attorney*, 2021 IL 125513, ¶ 32 (holding that "civil rights," as the term is applied under 18 U.S.C. § 921, includes firearm rights); *Johnson v. Department of State Police*, 2020 IL 124213, ¶ 30, 37 (same). Plaintiff's civil rights were restored as contemplated by section 921 of the federal Gun Control Act (18 U.S.C. § 921) for his felony convictions and conviction for misdemeanor crimes of domestic violence. See *Evans*, 2021 IL 125513, ¶ 33; *Johnson*, 2020 IL 124213, ¶ 27. The

Second Amendment right to keep and bear arms logically includes the right to possess and *purchase* firearms.[2] Therefore, when the court granted plaintiff relief on June 13, 2024, it granted him the right to purchase a firearm.

¶ 44 The court's June 13 order was final and appealable. It was a judgment entered by the court on the merits of plaintiff's claim and it fixed the rights of the parties absolutely and finally. Following its entry, all that remained of plaintiff's action was enforcement of the judgment. *See Richter*, 2016 IL 119518, ¶¶ 24-25. When defendants failed to file a notice of appeal within 30 days of the trial court's June 13, 2024, final judgment, defendants forfeited appellate review. See *Shempf v. Chaviano*, 2019 IL App (1st) 173146, ¶ 30; see also Ill. S. Ct. R. 303(a) (eff. Jul. 1, 2017). Therefore, we lack jurisdiction to review or affect the reinstatement of plaintiff's FOID card.

¶ 45 Yet, defendants did not file a notice of appeal within 30 days of the court's June 13 judgment, or ever. Instead, defendants filed a notice of appeal from the trial court's October 18, 2024, enforcement order. Accordingly, we lack jurisdiction to review any part of the trial court's findings of fact or determinations of law. Failure to file a notice of appeal within that time deprives us of appellate jurisdiction. *In re Janira T.*, 368 Ill. App. 3d 883, 891 (2006).

¶ 46 In addition, because defendants failed to appeal the trial court's June 13 judgment, it cannot be altered. See *Holwell ex rel. Holwell v. Zenith Electronics Corp.*, 334 Ill. App. 3d 917, 922 (2002). Once 30 days passed "the trial court's final judgment was carved in stone." *Shempf*, 2019

[2]See, *e.g.*, *Nguyen*, 140 F. 4th at 1242; *Ortega*, 148 F. 4th at 1143; *Heller*, 801 F. 3d at 280; See also *Reese*, 127 F. 4th at 589-90 ("Of course, the words 'purchase,' 'sale,' or similar terms describing a transaction do not appear in the Second Amendment. But the right to 'keep and bear arms' surely implies the right to purchase them.").

IL App (1st) 173146, ¶ 31. We have no jurisdiction to address this appeal because we cannot address challenges to the trial court's June 13 final order. Further the later agreed orders are not appealable. Defendants attack the restoration of plaintiff's civil rights that includes his right to purchase a firearm. Even worse, the majority adopts defendants' contrary position that the ISP had no authority or discretion to follow the trial court's enforcement order after it complied with the order six times; two times as an agreed order and four times thereafter.

¶ 47 This appeal is obviously moot. Defendants appear to appeal the trial court's October 11, 2024, judgment that ordered the "ISP to approve the purchase of *a firearm* by plaintiff." (Emphasis added.) Defendants concede that if the judgment is limited to the approval of *one* firearm, this case is moot. "A" is defined as "a function word before *singular nouns* when the referent is unspecified." *Merriam Webster's Online Dictionary,* https://www.merriam-webster.com/dictionary/a#dictionary-entry-2 1 (last visited Aug. 18, 2026). Also "firearm" is singular whereas "firearms" is plural. Therefore, defendants appeal a judgment that ordered the ISP to approve the purchase of a (one) singular firearm by plaintiff. After defendants appealed, the ISP approved the purchase of a firearm by plaintiff six times. Twice to secure an agreed order. Defendants avow that if the judgment on appeal is reversed, it will not confiscate these firearms from plaintiff. On these facts, we are unable to grant defendants effective relief – this appeal is moot. Reversal of the trial court's judgment accomplishes nothing and effectively vacates an agreed order. See *McGrath v. Price*, 342 Ill. App. 3d 19, 31 (2003) ("we do not have jurisdiction to review the [trial court's] order, because it is an agreed order").

¶ 48 I note that if defendants wanted to maintain an actual controversy, the ISP should have refused to approve of any firearm sales to plaintiff and asked the court to issue a "friendly"

contempt order to preserve defendants' issue on appeal. See, *e.g.*, *Robert R. McCormick Foundation v. Arthur J. Gallagher Risk Management Services, Inc.*, 2019 IL 123936, ¶ 15.

¶ 49 The majority maintains that this appeal is not moot because the ISP wants to refuse future firearm purchases by plaintiff. But the court's October 11 order does not continue in perpetuity. Rather, it required the ISP to approve the purchase of only one firearm by plaintiff. This appeal became moot the first time the ISP voluntarily approved plaintiff's purchase of a firearm. After the ISP's first approval no controversy existed. Reversal of the trial court's order renders no relief and does not affect the rights of the parties. See *In re Andrea F.*, 208 Ill. 2d 148, 156 (2003); see also *Davis v. Yenchko*, 2024 IL 129751, ¶ 25.

¶ 50 The majority also contends that it can address the merits of this appeal because of the voluntary cessation exception to mootness doctrine. The voluntary cessation doctrine applies where a plaintiff challenges a defendant's behavior, and the defendant strategically alters its behavior to secure a dismissal due to mootness. The plaintiff then contends that the defendant cannot render an action moot merely by voluntarily ceasing the challenged conduct and bears the burden of making an "absolutely clear" showing that the conduct could not reasonably be expected to recur. See, *e.g.*, *Kristen B. v. Department of Children and Family Services.*, 2022 IL App (1st) 200754, ¶¶ 23-26; *Amoco Realty Co. v. Montalbano*, 133 Ill. App. 3d 327 (1985).

¶ 51 Here, the voluntary cessation exception is completely irrelevant to this appeal and does not permit the majority to expound on the merits of this appeal. Defendants take the opposite position of a party asserting the voluntary cessation exception to the mootness doctrine. Defendants contend that this appeal is *not* moot and urges us to reverse and vacate on the merits. By *sua sponte* applying the voluntary cessation exception, the majority flips the exception on its head and improperly advocates for defendants. In violation of our supreme court's mandates, the majority reviews the

merits of this moot case to establish precedent and renders an advisory opinion. See *Peach v. McGovern*, 2019 IL 123156, ¶ 64 ("Courts of review will not decide moot or abstract questions, will not review cases merely to establish precedent, and will not render advisory opinions.").

¶ 52 On the merits the majority misconstrues the legislative framework and elevates a federal administrative agency's static records above the Second Amendment, and federal and Illinois legislation regulating the right to bear arms in real time. The federal Gun Control Act expressly incorporates state law to determine whether the civil rights of one convicted of a misdemeanor crime of domestic violence are restored. 18 U.S.C. § 921(a)(33)(B)(ii) (2006).[3]

¶ 53 Here, when the trial court granted plaintiff relief under section 10(c) of the FOID Card Act, it restored his Second Amendment civil right to keep and bear arms under Illinois and federal law. *Johnson*, 2020 IL 124213, ¶ 30. Our supreme court explained:

> "(1) the right to keep and bear arms is a 'civil right,' (2) Illinois has a regulatory mechanism to restore those rights through an *individualized determination*, and (3) relief granted under section 10 of the FOID Card Act constitutes a sufficient restoration of civil rights as intended by section 921(a)(33)(B)(ii) [of the Gun Control Act]." (Emphasis added.) *Id.* ¶ 30.

[3]The Gun Control Act, however, defines a "conviction" in such a way as to exclude from its purview a misdemeanor crime of domestic violence where, as a matter of state law, "the conviction has been expunged or set aside" or where the misdemeanor was "an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms." 18 U.S.C. § 921(a)(33)(B)(ii) (2020).

¶ 54 The Second Amendment right to keep and bear arms necessarily includes the right to possess and *purchase* firearms. See *Luis v. United States*, 578 U.S. 5, 26 (2016) (Thomas, J., concurring) ("Constitutional rights***implicitly protect those closely related acts necessary to their exercise."); *United States v. Vereen*, 152 F. 4th 89, 95 (2d Cir. 2025) "Of course, to 'keep' and 'bear' arms, one must also be able to acquire them."); *Nguyen v. Bonta*, 140 F. 4th 1237, 1242 (9th Cir. 2025); *Ortega v. Grisham*, 148 F. 4th 1134, 1143 (10th Cir. 2025); *Heller v. District of Columbia*, 801 F. 3d 264, 280 (D.C. Cir. 2015); See also *Reese v. ATF*, 127 F. 4th 583, 589-90 (5th Cir. 2025) ("Of course, the words 'purchase,' 'sale,' or similar terms describing a transaction do not appear in the Second Amendment. But the right to 'keep and bear arms' surely implies the right to purchase them.").

¶ 55 The majority's decision places an agency's static (outdated, stale, obsolete) database information beyond the ability to correct, amend, or disregard due to additional relevant lawful orders and events. The Supremacy Clause is limited by time. It is not applied in the abstract. It is applied in a particular time frame pertaining to the facts in litigation and the laws applicable to that same time frame. The false premise that the majority bases its analysis upon is that time is static; that there is no *arrow of time.* (Sorry, as things get older, they leak!).[4]

¶ 56 The majority's reverence for the outdated agency's database elevates it above the United States Constitution. The Second Amendment to the United States Constitution provides: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." U.S. Const., amend. II. Of course, like most individual rights, the Second Amendment has its limits. *United States v. Hemani*, 608 U.S. __, 146 S. Ct. 1677, 1685

[4]See https://calteches.library.caltech.edu/4326/1/Time.pdf (provides explanation and examples of the arrow of time.).

(2026). Legislatures have long regulated the possession and use of firearms to some degree. See *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1, 17 (2022). The regulatory interpretation of defendants as adopted by the majority infringes on the Second Amendment. See *id.* at 24 ("To determine when the government infringes the Second Amendment, we begin by asking whether the Amendment's terms cover the conduct in question."). The majority also fails to establish that its regulatory scheme is "consistent with the Nation's historical tradition of firearm regulation." See *id.*

¶ 57 The majority has effectively elevated a static unalterable *nota bene* in the NICS's database to eviscerate the Second Amendment, the federal Gun Control Act, and the Illinois FOID card Act designed to preserve and remediate a citizen's rights thereunder. The majority's reversal of the October 11 judgment does nothing to grant effectual relief, this appeal is moot and the majority's disposition is wholly advisory.

¶ 58 For the reasons stated, I dissent.

¶ 59 I close with a quote from Marcus Tullius Cicero:

> "True law is right reason in agreement with nature; it is of universal application, unchanging and everlasting; it summons to duty by its commands, and averts from wrongdoing by its prohibitions. And it does not lay its commands or prohibitions upon good men in vain, though neither have any effect on the wicked. It is a sin to try to alter this law, nor is it allowable to attempt to repeal any part of it, and it is impossible to abolish it entirely."[5]

[5]https://www.loebclassics.com/display/marcus_tullius_cicero-de_re_publica/1928/pb_LCL213.211.xml?readMode=recton (last visited Aug. 26, 2026).