



## New Mexico Department of Justice

January 13, 2026

RAÚL TORREZ  
Attorney General

Re: Attorney General Guidance – *Ortega v. Grisham*, 148 F.4th 1134 (10th Cir. 2025)

The Tenth Circuit has reversed the district court's earlier decision in *Ortega v. Grisham* regarding New Mexico's firearm waiting period law. The appellate court concluded that the plaintiffs are likely to succeed under the U.S. Supreme Court's text-and-history framework for Second Amendment cases. As a result, the case has been sent back to the district court with instructions to issue a preliminary injunction and determine its scope.

**Until the district court reaches a decision on the scope of the preliminary injunction, the 7-day waiting period for most firearm purchases—effective since May 15, 2024—remains enforceable because the district court has not yet acted.** This ruling is not a final decision on the merits; it only addresses the preliminary stage. The State is currently reviewing its options and may pursue further appeals or adjustments.

### Key Takeaways:

**Law Still Applies:** Until the district court issues an injunction, the 7-day waiting period (effective May 15, 2024) is still enforceable.

**Reversal of District Court:** The Tenth Circuit reversed the lower court's denial of a preliminary injunction in *Ortega v. Grisham*.

**Second Amendment Challenge:** The appellate court held that the plaintiffs are likely to succeed under the Supreme Court's text-and-history framework.

**Waiting Period Law:** New Mexico's 7-day waiting period for most firearm purchases was found likely unconstitutional.

**Next Steps:** The case was remanded to the district court to:

- Impose a preliminary injunction.
- Determine the scope of that injunction.

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**Current Status:** The district court has not yet acted, so the law remains in effect for now.

**Not Final:** This is not a final ruling on the merits—just a preliminary stage.

**State's Position:** The State is reviewing options and may seek further appeals or modifications.

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