

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.

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.

Please note that this letter is a public document and is not protected by the attorney-client privilege. It may be published on our website and made available to the general public.

RAÚL TORREZ
ATTORNEY GENERAL

A handwritten signature in blue ink, appearing to read 'Raúl Torrez', with a stylized flourish at the end.

Aletheia V.P. Allen
Solicitor General