

The Virgin Islands Consortium

Federal Judge Denies GVI Bid to Block Act 9113 Injunction Fight, Scolds AG Lawyers Over Late Filing

USDOJ is seeking to block parts of Act 9113, arguing VIPD still misses firearm-license deadlines and enforces a 10-round magazine limit despite the law allowing 15. Judge Evan Rikhye also rebuked the AG lawyers for missing a court-ordered filing deadline.

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Ahead of oral arguments Wednesday, Judge Evan Rikhye has rejected the Government of the Virgin Islands' attempt to prevent consideration of a federal injunction targeting portions of Act 9113, while separately rebuking attorneys in the V.I. Office of the Attorney General for missing a court-ordered filing deadline and pursuing what he characterized as a procedurally unavailable motion.

The ruling represents the latest development in the federal government's continuing firearms lawsuit against the Government of the Virgin Islands, the V.I. Police Department and Police Commissioner Mario Brooks. [The case](#) began in 2025 with U.S. Department of Justice allegations that the territory imposed unconstitutional delays and barriers on people seeking firearm licenses.

Since the passage of Act 9113, however, the dispute has expanded to provisions of the territory's new firearms law. Those include a ban on suppressors and [continued restrictions](#) on firearm magazine capacity.

The legislation's sponsor, Sen. Clifford Joseph, previously said provisions of what became Act 9113 [were crafted in response](#) to the federal lawsuit. Federal prosecutors have nevertheless argued that portions of the new law remain unconstitutional.

USDOJ Seeks Injunction Against Magazine Firearm Restrictions

Most recently, federal prosecutors asked the court to [prohibit the territory](#) from enforcing bans involving magazines capable of holding up to 30 rounds of ammunition and restrictions on the sale or transfer of firearms manufactured to accept more than 15 rounds.

The federal government argues that an injunction is necessary to "protect against ongoing harm from VIPD's violation of individuals' constitutional rights."

On the same day USDOJ filed its preliminary-injunction motion, attorneys for the Virgin Islands government asked Rikhye to strike it.

The territory has argued that the federal government's challenge to provisions of Act 9113 goes beyond the allegations contained in the original lawsuit. Without the United States first amending its complaint, government attorneys argued, "the law prohibits US from using new assertions of misconduct to support a preliminary injunction entirely unrelated to the conduct asserted in the underlying Complaint."

Rikhye rejected that procedural argument Monday.

Judge Says Rule Cited by GVI Does Not Apply to Motions

Rikhye found that the Federal Rule of Civil Procedure relied upon by V.I. DOJ attorneys does not apply to motions because motions are distinct from pleadings under the federal rules.

"The Court intends to remain steadfastly on the well-furrowed path carved out by established Third Circuit precedent which holds that motions to strike are procedurally unavailable when directed at filings that are not pleadings," the judge declared.

The result leaves the federal government's request for a preliminary injunction before the court for consideration.

Rikhye reserved his sharpest criticism for a footnote addressing how the territory's attorneys handled their filings.

The judge noted that V.I. DOJ lawyers filed their motion to strike on the same day they were required to submit a separate brief addressing Act 9113. The motion to strike arrived, but the required brief did not.

According to the opinion, the briefing was filed one day late, with government attorneys seeking permission for the late filing only after the deadline had passed.

Rikhye Rebukes V.I. Attorney General's Office

Rikhye said he would address the “procedural noncompliance” separately, but used the opinion to caution attorneys representing the territory.

He wrote that “the people of the Virgin Islands would be far better served by the Office of the Virgin Islands Attorney General if counsel for that office focused attention upon the basic task of adhering to court-ordered deadlines, rather than filing extraneous motions that misapprehend the federal rules of civil procedure.”

The injunction dispute is not the only major issue currently before the court.

Rikhye is also considering the federal government’s motion for summary judgment, in which prosecutors contend that VIPD continues to miss statutory firearm-license deadlines even after Act 9113 took effect.

USDOJ Says VIPD Still Missing 30-Day Licensing Deadline

Federal prosecutors point to a firearm-license application submitted on June 23, 2026, after the new law became effective.

Both the previous statute and Act 9113 require VIPD to act on firearm-license applications within 30 days. Prosecutors say that after 36 days, the applicant had received “any communication from VIPD” — much less a firearm license.

According to prosecutors, “the delay shows VIPD’s continued contempt for USVI law and its citizens’ rights.”

They argue that the example demonstrates that passage of Act 9113 has not corrected the licensing practices at the center of the original lawsuit.

The continuing missed deadlines, prosecutors contend, are “sufficient to prove that after Act 9113’s enactment, VIPD continues to engage in business as usual.”

Federal attorneys are also challenging the way Brooks is applying the new magazine-capacity provision.

USDOJ Says VIPD Is Enforcing 10-Round Limit Despite Law Allowing 15

According to prosecutors, Brooks continues to act ultra vires by restricting firearm holders “to magazines with a maximum capacity of ten rounds even though Act 9113 permits 15 rounds.”

The federal government argues that this example, together with the continuing licensing delays and other evidence in the case, supports entry of summary judgment against the

Government of the Virgin Islands.

Prosecutors are asking Rikhye to grant that motion and schedule a hearing within 30 days of the order to determine what relief should be imposed.

The latest ruling does not resolve the underlying constitutional challenges to Act 9113 or the federal government's request for an injunction. It clears away the territory's effort to strike that request on procedural grounds while leaving the broader dispute for further consideration.

Arguments are scheduled to continue before Rikhye on Wednesday morning.

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