

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-15571
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MARCH 12, 2009 THOMAS K. KAHN CLERK

D. C. Docket No. 08-02171-CV-MHS-1

GEORGIACARRY.ORG, INC.,
TIMOTHY BEARDEN,

Plaintiffs-Counter-
Defendants-Appellants,

versus

CITY OF ATLANTA,
SHIRLEY FRANKLIN, in her official capacity as
Mayor of the City of Atlanta, Georgia,
BENJAMIN DECOSTA, in his official capacity as
Aviation General Manager of the City of Atlanta,

Defendants-Counter-
Claimants-Appellees.

On Appeal from the United States District Court for the
Northern District of Georgia

(March 12, 2009)

Before TJOFLAT, PRYOR and FAY, Circuit Judges.

PER CURIAM:

Appellants brought this law suit in the district court to obtain a declaration that House Bill 89 (“H.B. 89”), which the Georgia General Assembly enacted on April 4, 2008, permits a person who possesses a Georgia license to carry a firearm in the non-sterile areas of Hartsfield-Jackson Atlanta International Airport (“Airport”). According to appellants, H.B. 89 overrides the City of Atlanta’s longstanding policy prohibiting visitors to the Airport from carrying firearms. Appellees, in their answer, asserted that H.B. 89 does not apply to the Airport and that, if it did apply, H.B. 89 would be preempted by the pervasive scheme of federal law and regulations governing airport security.

Appellees moved the district court for judgment on the pleadings. In a comprehensive order entered on September 26, 2008, the district court held that H.B. 89 does not apply to the Airport. It therefore granted appellees’ motion and dismissed appellants’ complaint. Appellants now appeal, arguing that contrary to the district court’s holding, H.B. 89 does apply to the Airport. We reject their argument, concluding for the reasons stated in the district court’s September 26 order that appellants’ argument is meritless.

AFFIRMED.