



Due Process Clause of the 14<sup>th</sup> Amendment (located on pages 20-23 of the Opening Brief). There, the Court found the Housing Authority failure to provide meaningful information to Section 8 beneficiaries about a change to the program' subsidy payment standard and the effect of that change upon the beneficiaries violated Due Process. This is because the Housing authority failed to inform the Plaintiffs in a manner which was "reasonably certain" to provide constitutionally adequate notice of the meaning and effect of the change on the plaintiffs' benefits. *Id* at 30.

Similarly, Chief Kubojiri has not given "fair notice" of what is required to satisfy his application of the "exceptional case" standard or what is required to "appear suitable" to obtain a handgun carry permit. Thus, Mr. Young cannot be "reasonably certain" of what he needs to provide to satisfy Chief Kubojiri's unbridles discretion. In reality, Chief Kubojiri has no need to promulgate guidelines because he never issues. This is the case throughout Hawaii. *See* attached July 2012 GAO Study, page 75, showing that Hawaii has zero civilian permits issued.

This is highly distinguishable from *Peruta v. County of San Diego*, 742 F.3d 1144 (9<sup>th</sup> Cir. 2014). Unlike Hilo County, the record in *Peruta* clearly demonstrates San Diego County has Due Process compliant standards and does issue handgun carry permits. Even if this Courts' *en banc* panel overturns the original *Peruta* decision, Mr. Young maintains that his claim against Chief Kubojiri's application of

H.R.S. § 134-9 will still be viable assuming this Court finds the Second Amendment right extends outside the home *at all*.

For the forgoing reasons and that in the briefing, Mr. Young once again respectfully request that this Court find Chief Kubojiri's application of H.R.S. § 134-9 violates the Due Process Clause.

Respectfully submitted this 6<sup>th</sup> day of December, 2015

/s/ Alan Beck  
Alan Beck (HI Bar No. 9145)

/s/ Stephen D. Stamboulieh  
Stephen D. Stamboulieh

CERTIFICATE OF SERVICE

On this, the 6<sup>th</sup> day of December, 2015, I served the foregoing pleading by electronically filing it with the Court's CM/ECF system which generated a Notice of Filing and effects service upon counsel for all parties in the case. I declare under penalty of perjury that the foregoing is true and correct.

Executed this the 6<sup>th</sup> day of December, 2015

s/ Stephen D. Stamboulieh