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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

9	JONATHAN BIRDT,	)	<b>CASE NO. 5:13-cv-00673-VAP-JEM</b>
10		)	
11	Plaintiff,	)	<b>RESPONSE TO OBJECTIONS</b>
12		)	
13	vs.	)	
14		)	
15	SAN BERNARDINO SHERIFFS	)	
16	DEPARTMENT,	)	
17	Defendants.	)	
18		)	

19 Reading Defendants’ objections, it appears that they are suggesting that a  
20 rational basis standard applies and that since Plaintiff is almost a felon, he is  
21 prohibited from exercising his fundamental Rights. It would seem defense Counsel is  
22 reading from a different record than Plaintiff or the Magistrate as the record reflects  
23 that Plaintiff is a law abiding citizen with no criminal history and who has been found  
24 to be of Good Moral Character by this Court, the Ninth Circuit, the US Supreme  
25 Court and the Supreme Courts of California, Nevada and Texas. The record also  
26 reflects recent gun purchases and satisfactory passage of California Department of  
27 Justice Background checks for those purchases in addition to Plaintiff holding several  
28 other National Certifications and Concealed Weapon permits.

1 Further, Defendant suggests that his discretion is controlled only by a rational  
2 basis review with respect to his decision to deny a permit to exercise a fundamental  
3 Right in apparent ignorance of the law on this point (this is defendants third motion to  
4 dismiss denying a Second Amendment Right exists and the third time the Magistrate  
5 has recommended denial on those grounds).

6 As such, and in response to Defendants' query, that is simple: any resident who  
7 passes the stringent California Department of Justice background check and who  
8 states a desire for self defense is entitled to a permit necessary for the exercise of such  
9 right. Defendant, an elected official, does not get to determine if a resident is entitled  
10 to exercise a Fundamental Right, and here his own blatant disregard for the law  
11 speaks volumes regarding the animus behind his action (see Request for OSC  
12 demonstrating multiple ongoing statutory violations by Defendant). Plaintiff would  
13 request that this Court end this folly now, advance the request for Order to Show  
14 Cause and issue clear instructions to the Defendant regarding his duty to follow the  
15 Constitution and State Law.

16  
17 September 24, 2014

\_\_\_\_\_/s/\_\_\_\_\_  
Jonathan W. Birdt