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BY

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In Pro Per

**United States District Court
Central District of California**

Charles Nichols,

PLAINTIFF,

vs.

KAMALA D. HARRIS, Attorney
General, in her official capacity as
Attorney General of California, CITY
OF REDONDO BEACH and DOES 1
to 10,

Defendants.

Case No.: CV-11-9916 SJO (SS)

**PLAINTIFF'S EX PARTE
APPLICATION FOR STAY
PENDING APPEAL**

[L.R. 7-19]

Date: TBD

Time: TBD

Location: United States Courthouse
312 North Spring Street
Los Angeles, CA 90012-4701

Courtroom: 1 - 2nd Floor

Judge: Samuel James Otero

Date Action Filed: November 30, 2011

1 PLEASE TAKE NOTICE that, by submission to the Honorable Samuel
2 James Otero of the United States District Court for the Central District of
3 California, Western Division, located at 312 North Spring Street, Los Angeles
4 California, Plaintiff hereby applies ex parte for a stay pending appeal of the
5 District Court denial of Plaintiff's Motion for a Preliminary Injunction which was
6 denied on July 3, 2013 (Docket #108). Plaintiff respectfully requests a
7 determination of this ex parte Application as soon as practicable and no later than
8 July 17, 2013 so he may request a stay from the Court of Appeals if this
9 application is denied.

10 On July 3, 2013 Plaintiff notified Defendants counsel by electronic mail that
11 Plaintiff would be filing an appeal and that Plaintiff would be asking this court to
12 stay the district court proceedings pending the appeal. Plaintiff asked Defendants
13 counsel to stipulate to a stay.

14 On July 8, 2013 Plaintiff filed his Notice of Appeal – Preliminary Injunction
15 (Docket #109).

16 On July 8, 2013 Plaintiff paid the filing fee for his appeal (Docket #112).

17 On July 9, 2013 the Office of the Clerk for United States Court of Appeals
18 for the Ninth Circuit assigned an appellate case number (13-56203) which is filed
19 as Docket #111).

20 On July 9, 2013 counsel for Defendant City of Redondo Beach (CITY)
21 informed Plaintiff via electronic mail that CITY would not stipulate to a stay.

22 On July 9, 2013 counsel for Defendant KAMALA D. HARRIS, Attorney
23 General, in her official capacity as Attorney General of California (Defendant
24 Harris) informed Plaintiff via electronic mail that "The AG's Office is still
25 contemplating whether to agree to the stay that you request. I don't have a firm
26 answer for you at this time."

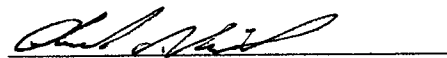
27 On July 10, 2013 the following order was posted on the Court of Appeals:
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1 “Filed clerk order (Deputy Clerk: JW): The appeal filed July 8, 2013 is a
 2 preliminary injunction appeal. Accordingly, Ninth Circuit Rule 3-3 shall apply.
 3 The briefing schedule shall be established as follows: appellant’s opening brief is
 4 due August 7, 2013; appellees’ answering brief is due September 4, 2013; and
 5 appellant’s optional reply brief is due within 14 days after service of the answering
 6 brief. The appeal and any motions pending at the time briefing is completed shall
 7 be referred to the next available motions panel for disposition. [8697694] (CKP)”
 8 (Court of Appeals Docket #4).

9 On July 11, 2013 Plaintiff notified counsel for Defendants that he would be
 10 filing this request for a stay on Friday, July 12 (or Monday, July 15, 2013 at the
 11 latest).

12 This Application is made pursuant to L.R. 7-19 and is based upon the
 13 accompanying Memorandum of Points and Authorities, the pleadings and other
 14 documents on file in this action; and such other matters that the Court may
 15 consider or of which the Court may take judicial notice.

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21 Respectfully submitted this 12th Day of July, 2013.

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23 

24 By: Charles Nichols
 25 PLAINTIFF in Pro Per
 26 PO Box 1302
 27 Redondo Beach, CA 90278
 28 Voice: (424) 634-7381
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I hereby certify that a true and correct copy of **PLAINTIFF'S EX PARTE APPLICATION FOR STAY PENDING APPEAL [L.R. 7-19]** was served via United States Mail, postage prepaid, on this 12th, day of July, 2013; on the following:

KAMALA D. HARRIS
Attorney General of California
JONATHAN M. EISENBERG
Deputy Attorney General
State Bar No. 184162
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Attorneys for Defendant California Attorney General Kamala Harris

AND

THOMAS PETER PIERCE
LISA MARIE BOND
Richards Watson and Gershon
355 S Grand Avenue 40th Floor
Los Angeles, CA 90071-3101
Attorneys for Defendant:
CITY OF REDONDO BEACH



Charles Nichols
Plaintiff, In Pro Per
Case No. CV-11-9916 SJO (SS)