

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office

Phone (415) 355-7900 Fax (415) 355-8566

<http://www.ca9.uscourts.gov/mediation>**MEDIATION QUESTIONNAIRE**

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are **not** confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s):	13-56454		
District Court/Agency Case Number(s):	2:10-cv-03996-SVW-AJW		
District Court/Agency Location:	Central District of California/Los Angeles - Spring Street		
Case Name:	Eugene Evan Baker	v.	Eric H. Holder, Jr., et al.
If District Court, docket entry number(s) of order(s) appealed from:	48		
Name of party/parties submitting this form:	Eugene Evan Baker		

Please briefly describe the dispute that gave rise to this lawsuit.

Eugene Evan Baker was convicted of a misdemeanor crime of domestic violence ("MCDV"). Under state law, his firearms ownership rights were restored ten years following his conviction. The California Department of Justice, enforcing a federal prohibition on firearms ownership for certain convicts, including those convicted of an MCDV, refuses to allow plaintiff to purchase a firearm despite his eligibility under state law. Plaintiff alleges that California's application of federal law to him denies him due process and violates his Second Amendment rights.

Briefly describe the result below and the main issues on appeal.

Dismissed on Court's motion pursuant to FRCP 12(b)(6).

Describe any proceedings remaining below or any related proceedings in other tribunals.

None.

Provide any other thoughts you would like to bring to the attention of the mediator.

None.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at ca09_mediation@ca9.uscourts.gov. Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

CERTIFICATION OF COUNSEL

I certify that:

a current service list with telephone and fax numbers and email addresses is attached

☒ (see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and service list

☒ may result in sanctions, including dismissal of the appeal.

Signature

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

Note: Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **To file this form electronically** in Appellate ECF, complete the form, and then print the filled-in form to PDF (File > Print > PDF Printer/Creator). Then log into Appellate ECF and choose Forms/Notices/Disclosure > File a Mediation Questionnaire.

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2013, an electronic PDF of **MEDIATION QUESTIONNAIRE** was uploaded to the Court's CM/ECF system, which will automatically generate and send by electronic mail a Notice of Docket Activity to all registered attorneys participating in the case. Such notice constitutes service on those registered attorneys.

Date: August 26, 2013

MICHEL & ASSOCIATES, P.C.

/s/ C. D. Michel

C. D. Michel

Attorney for Plaintiff-Appellant