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In Pro Per

2013 DEC -9 AM 11:54

U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY: 

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

Defendant.

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

**PLAINTIFF CHARLES NICHOLS'  
REPLY TO DEFENDANT HARRIS'  
STATEMENT OF GENUINE  
DISPUTES [Dkt # 140-1]**

Date: Vacated

Time: Vacated

Ctrm: 23 - 3rd Floor

Magistrate Judge: Suzanne H. Segal

District Judge: S. James Otero

Trial Date: None

Action Filed: November 30, 2011

Pursuant to the Federal Rules of Civil Procedure and Dkt # 137 Order of this Court Setting Briefing Schedule on Plaintiff's Motion for Partial Summary Judgment (Dkt # 131) Plaintiff Charles Nichols, In Pro Per, respectfully submits the following reply to Defendant Harris' Statement of Genuine Disputes filed on December 2, 2013 (Dkt # 140-1). Plaintiff contends that there is no real issue about the following material facts.

<u><b>Nichols' Undisputed Fact</b></u>	<u><b>Attorney General's Response</b></u>	<u><b>Nichols' Reply</b></u>
<p>1. California law bans the Open Carry of loaded firearms in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of unincorporated territory. In order to determine whether or not a firearm is loaded for the purpose of enforcing this section, peace officers are authorized to examine any firearm carried by anyone on the person or in a vehicle while in any public place or on any public street in an incorporated city or prohibited area of an unincorporated territory. Refusal to allow a peace officer to inspect a firearm pursuant to</p>	<p>-- Item #1 is not an asserted fact, but rather a statement of what a law supposedly means. The cited law speaks for itself.</p> <p>-- Disputed that there are no exemptions to California Penal Code section 25850.1 As this Court in the instant case already found, all the challenged statutes in this case contain numerous exemptions. Nichols v. Brown, No. CV 11-09916 SJO (SS), 2013 WL 3368922 at *6 (C.D. Cal. Jul. 3, 2013).</p>	<p>California Penal Code section 25850 (PC 25850) does not contain any exemptions within the plain-text of the body of the statute.</p> <p>Whatever exemptions there may be in other sections of the California Penal Code cannot be found in PC 25850.</p> <p>The lack of exemptions within PC 25850 does speak for itself.</p> <p>Defendant Harris' Response does not create a triable issue of fact.</p>

1 this section constitutes  
2 probable cause for arrest  
3 for violation of this  
4 section.

5 There is no enumerated  
6 exemption within this  
7 statute.

8 2. California law bans  
9 the Open Carry of  
10 unloaded handguns in any  
11 public place or on any  
12 public street in an  
13 incorporated city or in  
14 any public place or on  
15 any public street in a  
16 prohibited area of  
17 unincorporated territory.  
18 There is no enumerated  
19 exemption within this  
20 statute. A violation of  
21 subparagraph (A) of  
22 paragraph (1) of  
23 subdivision (a) is  
24 punishable by  
25 imprisonment in a county  
26 jail not exceeding one  
27 year, or by a fine not to  
28 exceed one thousand

-- Item #2 is not an  
asserted fact, but rather  
a statement of what a  
law supposedly means.  
The cited law speaks for  
itself.

-- Disputed that there  
are no exemptions to  
Section 26350. As this  
Court in the instant case  
already found, all the  
challenged statutes in  
this case contain  
numerous exemptions.  
Nichols, supra, 2013  
WL 3368922 at \*6.

California Penal Code  
section 26350 (PC 26350)  
does not contain any  
exemptions within the  
plain-text of the body of  
the statute.

Whatever exemptions  
there may be in other  
sections of the California  
Penal Code cannot be  
found in PC 26350.

The lack of exemptions  
within PC 26350 does  
speak for itself.

Defendant Harris'  
Response does not create  
a triable issue of fact.

dollars (\$1,000), or by both that fine and imprisonment, if both of the following conditions exist:

(A) The handgun and unexpended ammunition capable of being discharged from that handgun are in the immediate possession of that person.

(B) The person is not in lawful possession of that handgun.

Otherwise, a violation of this section is a misdemeanor.

3. California law bans the Open Carry of unloaded firearms, other than handguns, in any public place or on any public street in an incorporated city outside a vehicle while in the incorporated city or city and county. A violation is

-- Item #3 is not an asserted fact, but rather a statement of what a law supposedly means. The cited law speaks for itself.

-- Disputed that there are no exemptions to Section 26400. As this Court in the instant case

California Penal Code section 26400 (PC 26400) does not contain any exemptions within the plain-text of the body of the statute.

Whatever exemptions there may be in other sections of the California Penal Code cannot be

<p>punishable by imprisonment in a county jail not exceeding one year, or by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment, if the firearm and unexpended ammunition capable of being discharged from that firearm are in the immediate possession of the person and the person is not in lawful possession of that firearm. Otherwise, a violation of this section is a misdemeanor. There is no enumerated exemption within this statute.</p>	<p>already found, all the challenged statutes in this case contain numerous exemptions. Nichols, supra, 2013 WL 3368922 at *6.</p>	<p>found in PC 26400.</p> <p>The lack of exemptions within PC 26400 does speak for itself.</p> <p>Defendant Harris' Response does not create a triable issue of fact.</p>
<p>4. California law bans the carrying of concealed firearms. There is no enumerated exemption within this statute.</p>	<p>-- Item #4 is not an asserted fact, but rather a statement of what a law supposedly means. The cited law speaks for itself.</p> <p>-- Disputed that there</p>	<p>California Penal Code section 25400 (PC 25400) does not contain any exemptions within the plain-text of the body of the statute.</p> <p>Whatever exemptions</p>

1		are no exemptions to	there may be in other
2		Section 25400. Section	sections of the California
3		26150 et seq. sets forth	Penal Code cannot be
4		the statutory scheme by	found in PC 25400.
5		which a person may	The lack of exemptions
6		apply for and obtain a	within PC 26400 does
7		license to carry a	speak for itself.
8		concealed firearm.	Defendant Harris'
9			Response does not create
10			a triable issue of fact.
11	5. California law	-- Item #5 is not an	It is undisputed that a
12	theoretically provides for	asserted fact, but rather	license to openly carry a
13	the entirely discretionary	a statement of what a	firearm (loaded or
14	issuance of a license to	law supposedly means.	unloaded) cannot be
15	carry loaded and exposed	The cited law speaks for	issued to Plaintiff Nichols
16	in only that county a	itself.	because he resides in a
17	pistol, revolver, or other	-- Disputed that	county of 200,000 or
18	firearm capable of being	California law "provides	more persons. Were a
19	concealed upon the	for the entirely	County Sheriff or Police
20	person where the	discretionary issuance	Chief to issue an Open
21	population of the county	of a license to carry..."	Carry license to Plaintiff
22	is less than 200,000	Sections 26150, 26155,	Nichols it would be
23	persons according to the	26195, and 26200 set	invalid under state law.
24	most recent federal	forth the rules for the	California's licensing
25	decennial census.	granting or denial of	scheme is "may issue."
26		such licenses.	Defendant Harris'
27			Response does not create
28			a triable issue of fact.

6. California law theoretically provides for the entirely discretionary issuance of a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person, loaded or unloaded. A person must be a resident of the city, city and county, or county unless the applicant's principal place of employment or business is in the county or a city within the county and the applicant spends a substantial period of time in that place of employment or business.

-- Item #6 is not an asserted fact, but rather a statement of what a law supposedly means. The cited law speaks for itself.  
-- Disputed that California law "provides for the entirely discretionary issuance of a license to carry..." Sections 26150, 26155, 26195, and 26200 set forth the rules for the granting or denial of such licenses.

This court upheld the Los Angeles County policy restricting the issuance of permits to carry handguns (and other concealable firearms) in the case of ROBERT THOMSON v. TORRANCE POLICE DEPARTMENT and LOS ANGELES COUNTY SHERIFFS DEPARTMENT; Case Number: 2:2011cv06154; Filed: July 26, 2011; Court: California Central District Court; Presiding Judge: S. James Otero to which this court said: "Section 12050 gives "extremely broad discretion to the sheriff concerning the issuance of concealed weapons licenses and explicitly grants discretion to the issuing officer to

1 issue or not issue a  
2 license to applicants  
3 meeting the minimum  
4 statutory requirements."  
5 (See Thomson v.  
6 Torrance Dkt # 70, pg 3).  
7 The policy of the Los  
8 Angeles Sheriff's  
9 Department was stated by  
10 this court as follows:  
11 "LASD defines "good  
12 cause" as requiring an  
13 applicant to show:  
14 convincing evidence of a  
15 clear and present danger  
16 to life or of great bodily  
17 harm to the applicant, his  
18 spouse or dependent  
19 child, which cannot be  
20 adequately dealt with by  
21 existing law enforcement  
22 resources and which  
23 danger cannot be  
24 reasonably avoided by  
25 alternative measures, and  
26 which danger would be  
27 significantly mitigated by  
28 the applicant's carrying of

a concealed firearm.”  
Supra pg. 4.  
Defendant Harris’  
Response does not create  
a triable issue of fact.

55. Comparing 2000 to  
2003:

■ The proportion of  
males charged with PC  
section 12031 resulting in  
felony-level filings  
increased 6.7 percentage  
points (from 55.6 percent  
to 62.3 percent);  
misdemeanor-level  
filings for males  
decreased identically.

■ The proportion of  
females charged with PC  
section 12031 resulting in  
felony-level filings  
decreased 2.5 percentage  
points (from 45.7 percent  
to 43.2 percent);  
misdemeanor-level  
filings for females  
increased identically.

-- Disputed that the  
ratio of male persons  
who violated Section  
12031 to male persons  
charged with violating  
Section 12031 at the  
felony level was higher  
than the ratio of female  
persons who violated  
Section 12031 to female  
persons charged with  
violating Section 12031  
at the felony level.  
There is no pertinent  
evidence presented of  
the underlying point that  
Nichols appears to be  
trying to make.

In Defendant Harris’  
Answer to Plaintiff  
Nichols’ operative  
Second Amended  
Complaint (SAC) at ¶ 39  
she stated “Answering  
enumerated paragraph 39,  
the Attorney General  
admits that the Office of  
the Attorney General  
publishes California  
crime statistics  
information, which  
publications speak for  
themselves.”  
Plaintiff Nichols’ SAC  
clearly lists Concealable  
Firearms Charges in  
California 2003 which is  
an Attorney General  
Department of Justice  
Publication. This item  
#55 quotes that

publication verbatim and the entire publication was submitted as "Exhibit E" to Plaintiff's Motion for Partial Summary Judgment. Defendant Harris offers no evidence to dispute her own publication(s). Defendant Harris' Response does not create a triable issue of fact.

56. From 2000 through 2003, the vast majority of persons charged with PC section 12031 were male, and males were proportionately more likely to be filed on at the felony level than females.

-- Disputed that the ratio of male persons who violated Section 12031 to male persons charged with violating Section 12031 at the felony level was higher than the ratio of female persons who violated Section 12031 to female persons charged with violating Section 12031 at the felony level. There is no pertinent evidence presented of the underlying point that

As in Item # 55, Item #56 quotes Defendant Harris' own Department of Justice publication and Defendant Harris does not provide any evidence to dispute her own publication(s). Defendant Harris' Response does not create a triable issue of fact.

1		Nichols appears to be	
2		trying to make.	
3	57. When charged with	-- Disputed that the	As in Items # 55 & 56,
4	PC section 12031, blacks	ratio of African-	Item #57 quotes
5	were proportionately	American persons who	Defendant Harris' own
6	most likely to be filed on	violated Section 12031	Department of Justice
7	at the felony level,	to African-American	publication and
8	followed by Hispanics,	persons charged with	Defendant Harris does
9	other race/ethnic groups,	violating Section 12031	not provide any evidence
10	and whites. This pattern	at the felony level was	to dispute her own
11	exists throughout the	higher than the ratio of	publication(s).
12	period shown.	people from other	Defendant Harris'
13		racial-ethnic groups	Response does not create
14		who violated Section	a triable issue of fact.
15		12031 to people from	
16		other racial-ethnic	
17		groups charged with	
18		violating Section 12031	
19		at the felony level.	
20		There is no pertinent	
21		evidence presented of	
22		the underlying point that	
23		Nichols appears to be	
24		trying to make.	
25	66. The vast majority of	-- Disputed that the	As in Items # 55, 56 & 57,
26	persons charged with	ratio of male persons	Item #66 quotes
27	either former PC section	who violated Sections	Defendant Harris' own
28	12025 or former PC	12025 or 12031 to male	Department of Justice

1 2 3 4 5 6 7 8	section 12031 were male.	persons charged with violating Sections 12025 or 12031 was higher than the ratio of female persons who violated Sections 12025 or 12031 to female	publication and Defendant Harris does not provide any evidence to dispute her own publication(s). Defendant Harris' Response does not create a triable issue of fact.
9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	67. When charged with either PC section 12025 or PC section 12031, blacks were proportionately the most likely race/ethnic group to be filed on at the felony level; whites were proportionately the least likely race/ethnic group to be filed on at the felony level.	-- Disputed that the ratio of African-American persons who violated Sections 12025 or 12031 to African-American persons charged with violating Sections 12025 or 12031 at the felony level was higher than the ratio of people from other racial-ethnic groups who violated Sections 12025 or 12031 to people from other racial-ethnic groups charged with violating Sections 12025 or 12031 at the felony level.	As in Items # 55, 56, 57 65 & 66, Item #67 quotes Defendant Harris' own Department of Justice publication and Defendant Harris does not provide any evidence to dispute her own publication(s). Defendant Harris' Response does not create a triable issue of fact.

<p>68. When charged with PC section 12025, blacks were proportionately most likely to be filed on at the felony level, followed by Hispanics, other race/ethnic groups, and whites. This pattern exists throughout the period shown.</p>	<p>-- Disputed that the ratio of African-American persons who violated Section 12025 to African-American persons charged with violating Section 12025 at the felony level was higher than the ratio of people from other racial-ethnic groups who violated Section 12025 to people from other racial-ethnic groups charged with violating Section 12025 at the felony level.</p>	<p>As in Items # 55, 56, 57 65, 66 &amp; 67, Item #68 quotes Defendant Harris' own Department of Justice publication and Defendant Harris does not provide any evidence to dispute her own publication(s). Defendant Harris' Response does not create a triable issue of fact.</p>
<p>78. The Attorney General admits to instructing all issuing authorities in California not to issue a license to openly carry a handgun to PLAINTIFF and similarly situated individuals on page 1 of her "STANDARD APPLICATION FOR</p>	<p>-- Disputed that the Attorney General instructed anyone not to issue a firearms license to Nichols. The Attorney General's answer to the operative complaint, which answer Nichols cites, speaks for itself. -- Further disputed that the Attorney General</p>	<p>It is undisputed that Defendant's Harris' own "Standard Application for License to Carry Concealed Weapon (CCW) states that licenses to openly carry a handgun are not available to Plaintiff Nichols and similarly situated individuals who reside in</p>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	<p>LICENSE TO CARRY A CONCEALED WEAPON (CCW)” prepared by the Attorney General pursuant to California Penal Code section 26175 which also provides for her to revise the application form.</p> <p>DEFENDANT HARRIS has refused to either create or revise the application form to accommodate PLAINTIFF’S and similarly situated individuals Second Amendment right to openly carry a loaded firearm in public for the purpose of self-defense and other lawful purposes.</p>	<p>makes any discretionary decisions about the substance of California firearms law by merely fulfilling her obligations with respect to preparing firearms license forms.</p>	<p>counties with a population of 200,000 or more people, that the application is prepared by the Attorney General and that she has the authority to revise the application and that no license can be issued by a chief of police or county sheriff without her prior approval.</p> <p>That said, California’s licensing scheme is not at issue in Plaintiff Nichols’ motion for partial summary judgment.</p> <p>Defendant Harris’ Response does not create a triable issue of fact.</p>
24 25 26 27 28	<p>89. The “good cause” requirement of the Los Angeles Sheriff’s Department is intended to dramatically restrict the</p>	<p>-- Disputed. The Los Angeles County Sheriff’s Department’s (“LACSD”) policy regarding concealed</p>	<p>Defendant Harris does not speak for the Los Angeles County Sheriff’s Department and she makes no claim that she</p>

number of persons who are secretly armed within the county. In 2011, there was an average of approximately 400 existing concealed weapons permits that were issued by the LASD in a county of some 10 million people.

weapons licenses is publicly available and does not state or indicate an intent “to dramatically restrict the number of persons who are secretly armed within the county.” See Exh. B to Eisenberg Decl. Also, Paul Tanaka is not an employee of LACSD; there is no reason to believe that Mr. Tanaka is presently authorized to state LACSD policy on any matter. See Exh. C to Eisenberg Decl.

is the author of the LASD policy or is authorized to speak on behalf of the LASD. Neither has Defendant Harris submitted any evidence to contradict the sworn declaration by Paul Tanaka submitted in Thomson v. Torrance, Supra and attached as an exhibit to Plaintiff Nichols’ motion for partial summary judgment.

Nor does Plaintiff Nichols’ seek a license to carry concealed in either his SAC or present motion.

Even if the LASD were to change its stated policy, which it hasn’t, and agree to issue a license to carry a handgun concealed to Plaintiff Nichols, Plaintiff Nichols does not seek to

1			carry a weapon concealed
2			and his complaint is not
3			limited to the carrying of
4			handguns.
5			Defendant Harris'
6			Response does not create
7			a triable issue of fact.
8	99. Plaintiff Nichols	-- Disputed. Nichols	Nowhere in any of
9	seeks to exercise his	plans to mount a legal	Plaintiff Nichols'
10	Second Amendment right	challenge to enforcement	Complaints including his
11	to openly carry handguns	of California's law	operative Second
12	for the purpose of self-	prohibiting open	Amended Complaint, nor
13	defense and for other	carrying of firearms in at	in his present motion for
14	lawful purposes, such	least one category of	partial summary
15	handguns to be openly	sensitive public places,	judgment does Plaintiff
16	carried, not encased, both	public schools. See	Nichols challenge the
17	loaded and unloaded, in	Exh. D to Eisenberg	constitutionality of any
18	non-sensitive public	Decl.	laws which apply to
19	places within		schools. California's so
20	incorporated cities and in		called "Gun Free School
21	non-sensitive places of		Zone Act of 1995"
22	unincorporated county		codified as California
23	territory where the Open		Penal Code section 626.9
24	Carry of handguns, both		(PC 626.9) is not at issue
25	loaded and unloaded, is		in this case and an
26	prohibited.		injunction against the
27			three Open Carry bans
28			which are at issue would

not preclude enforcement of PC 626.9.

The constitutionality of PC 626.9 will be up to some other court to decide.

That said, Plaintiff Nichols does not plan to challenge the presumptively lawful regulations on the carrying of firearms “in or on” school grounds or in government buildings.

Defendant Harris’ Response does not create a triable issue of fact.

100. Plaintiff Nichols seeks to exercise his Second Amendment right to openly carry long guns for the purpose of self-defense and for other lawful purposes, such long guns to be openly carried, not encased, both loaded and unloaded, in non-sensitive public

-- Disputed. Nichols plans to mount a legal challenge to enforcement of California’s law prohibiting open carrying of firearms in at least one category of sensitive public places, public schools. See Exh. D to Eisenberg Decl.

Nowhere in any of Plaintiff Nichols’ Complaints including his operative Second Amended Complaint, nor in his present motion for partial summary judgment does Plaintiff Nichols challenge the constitutionality of any laws which apply to

1 places within  
 2 incorporated cities and in  
 3 non-sensitive places of  
 4 unincorporated county  
 5 territory where the Open  
 6 Carry of handguns, both  
 7 loaded and unloaded, is  
 8 prohibited.

schools. California's so  
 called "Gun Free School  
 Zone Act of 1995"  
 codified as California  
 Penal Code section 626.9  
 (PC 626.9) is not at issue  
 in this case and an  
 injunction against the  
 three Open Carry bans  
 which are at issue would  
 not preclude enforcement  
 of PC 626.9.

The constitutionality of  
 PC 626.9 will be up to  
 some other court to  
 decide.

That said, Plaintiff  
 Nichols does not plan to  
 challenge the  
 presumptively lawful  
 regulations on the  
 carrying of firearms "in  
 or on" school grounds or  
 in government buildings.

Defendant Harris'  
 Response does not create  
 a triable issue of fact.

101. Plaintiff Nichols

-- Disputed. Nichols

Nowhere in any of

1 seek to exercise his  
 2 Second Amendment right  
 3 to openly carry firearms  
 4 for the purpose of self-  
 5 defense and for other  
 6 lawful purposes, such  
 7 firearms to be openly  
 8 carried, not encased, both  
 9 loaded and unloaded, in,  
 10 within and on his motor  
 11 vehicles, attached camper  
 12 or trailer in non-sensitive  
 13 public places within  
 14 incorporated cities and in  
 15 non-sensitive places of  
 16 unincorporated county  
 17 territory where the Open  
 18 Carry of firearms, both  
 19 loaded and unloaded, is  
 20 prohibited in, within and  
 21 on his motor vehicles, in  
 22 non-sensitive public  
 23 places within  
 24 incorporated cities and in  
 25 non-sensitive places of  
 26 unincorporated counties.

plans to mount a legal  
 challenge to enforcement  
 of California's law  
 prohibiting open  
 carrying of firearms in  
 at least one category of  
 sensitive public places,  
 public schools. See  
 Exh. D to Eisenberg  
 Decl.

Plaintiff Nichols'  
 Complaints including his  
 operative Second  
 Amended Complaint, nor  
 in his present motion for  
 partial summary  
 judgment does Plaintiff  
 Nichols challenge the  
 constitutionality of any  
 laws which apply to  
 schools. California's so  
 called "Gun Free School  
 Zone Act of 1995"  
 codified as California  
 Penal Code section 626.9  
 (PC 626.9) is not at issue  
 in this case and an  
 injunction against the  
 three Open Carry bans  
 which are at issue would  
 not preclude enforcement  
 of PC 626.9.

The constitutionality of  
 PC 626.9 will be up to  
 some other court to  
 decide.

That said, Plaintiff  
 Nichols does not plan to

1			challenge the
2			presumptively lawful
3			regulations on the
4			carrying of firearms “in
5			or on” school grounds or
6			in government buildings.
7			Defendant Harris’
8			Response does not create
9			a triable issue of fact.
10	111. An unloaded long	-- Disputed. It is unclear	It is self-evident that an
11	gun, inside of a motor	what if any effect an	unloaded long gun inside
12	vehicle, substantially	unloaded long gun, by	of a motor vehicle is of
13	burdens Plaintiff Nichols’	itself, has on Nichols’s	no use to Plaintiff while
14	right to self-defense.	ability to defend himself.	he is outside of his motor
15			vehicle. Indeed, leaving
16			a long gun unattended in
17			his motor vehicle would
18			be an invitation to
19			thieves. It is self-evident
20			that an unloaded long gun
21			inside of a motor vehicle
22			even when Plaintiff
23			Nichols is present inside
24			of the motor vehicle is for
25			all intents and purposes
26			useless for his defense
27			against an attacker.
28			Defendant Harris’

		Response does not create a triable issue of fact.
113. An unloaded firearm, fully encased, in a locked or unlocked container, substantially burdens Plaintiff Nichols' right to self-defense.	-- Disputed. It is unclear what if any effect an unloaded firearm, by itself, has on Nichols's ability to defend himself.	It is self-evident that an unloaded firearm, fully encased, in a locked or unlocked container, inside of a motor vehicle is of no use to Plaintiff while he is outside of his motor vehicle. Indeed, leaving a firearm in his motor vehicle would be an invitation to thieves. It is self-evident that an unloaded long gun inside of a motor vehicle even when Plaintiff Nichols is present inside of the motor vehicle is for all intents and purposes useless for his defense against an attacker. Defendant Harris' Response does not create a triable issue of fact.
118. Plaintiff Nichols received a death threat via email which was	-- Disputed. As Nichols has admitted, LACSD determined that	This court has a copy of the police incident report filed as Dkt # 10.

1 reported to both the 2 Attorney General and the 3 Los Angeles Sheriff's 4 department. 5 6 7 8 9 10 11 12 13 14 15 16	what Nichols claims was a death threat did not meet the definition of a death threat. See item #123, below.	Plaintiff submitted that a threat to shoot him and calling on others to "track him down" and shoot him constitutes a death threat despite the conclusion of the Los Angeles County Sheriff's Department to the contrary. As such, Plaintiff is ineligible for a license to carry a concealable weapon, openly or concealed. Defendant Harris' Response does not create a triable issue of fact.
17 123. The conclusion of 18 the Los Angeles Sheriff's 19 Department Sergeant 20 Inge was that someone 21 who threatened to shoot 22 Plaintiff Nichols and 23 called upon others to 24 track him down and do 25 the same was not 26 committing a criminal 27 offense because the email 28 did not use the word	(No response. This item is reprinted in reference to the above-given discussion of item #118.)	Defendant Harris' non- response ("No response") does not create a triable issue of fact.

1 "kill."

22 Dated: December 8, 2013

Respectfully submitted,



By: Charles Nichols  
PLAINTIFF in Pro Per  
PO Box 1302  
Redondo Beach, CA 90278  
Voice: (424) 634-7381  
EMail:CharlesNichols@Pykrete.info

28 ///


CERTIFICATE OF SERVICE

On this, the 8th day of November, 2013, I caused to be served a copy of the foregoing **PLAINTIFF CHARLES NICHOLS' REPLY TO DEFENDANT HARRIS' STATEMENT OF GENUINE DISPUTES [Dkt # 140-1]** by US Mail on:

Jonathan Michael Eisenberg  
Office of the California Attorney General  
Government Law Section  
300 South Spring Street, Suite 1702  
Los Angeles, CA 90013  
213-897-6505  
213-897-1071 (fax)  
jonathan.eisenberg@doj.ca.gov

LEAD ATTORNEY / ATTORNEY TO BE NOTICED representing Kamala D Harris  
(Defendant).

Executed this the 8th day of December, 2013 by:

A handwritten signature in black ink, appearing to read 'Charles Nichols', written over a horizontal line.

Charles Nichols