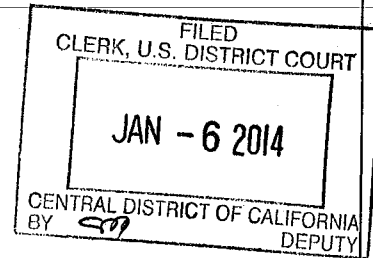


1 Charles Nichols
2 PO Box 1302
3 Redondo Beach, CA 90278
4 Voice: (424) 634-7381
5 E-Mail: CharlesNichols@Pykrete.info
6 In Pro Per



7
8 United States District Court
9 Central District of California
10

11 Charles Nichols,
12 PLAINTIFF,
13 vs.
14 KAMALA D. HARRIS, Attorney
15 General, in her official capacity as
16 Attorney General of California
17
18 Defendant.
19
20
21
22

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

**PLAINTIFF'S RESPONSE TO
DEFENDANT HARRIS'
OBJECTION TO PLAINTIFF'S
NOTICE OF SUPPLEMENTAL
AUTHORITY
[Dkt # 149]**

Date: Vacated
Time: Vacated
Crtrm: 23 - 3rd Floor
Magistrate Judge: Suzanne H. Segal
District Judge: S. James Otero
Trial Date: None
Action Filed: November 30, 2011

23 Pro Se Plaintiff Charles Nichols, In Pro Per, hereby files this response to
24 Defendant Harris' objection to Plaintiff Nichols' Notice of Supplemental Authority
25 regarding *Silvester v. Harris*. Defendant Harris' objection was filed on December
26 27, 2013 and appears as Dkt # 149.

27 Plaintiff Charles Nichols' notice of supplemental authority regarding
28 *Silvester* appears as Dkt # 147, filed on December 13, 2013.

1 Defendant Harris cites no Federal Rule of Civil Procedure or Local Rule
 2 which requires that a Notice of Supplemental Authority can be made only with
 3 leave of the court. Notices of Supplemental Authority are routinely made without
 4 leave of the court prior to a decision by the court.

5 Indeed, where there is a Federal Rule, as in Federal Rule of Appellate
 6 Procedure 28(j), such notices are made without leave of the court. F.R.A.P 28(j)
 7 states in relevant part "If pertinent and significant authorities come to a party's
 8 attention after the party's brief has been filed—or after oral argument but before
 9 decision—a party may promptly advise the circuit clerk by letter, with a copy to all
 10 other parties, setting forth the citations."

11 Defendant Harris is well aware that there is no rule preventing Defendant
 12 Harris from filing her notice of supplemental authority regarding *Silvester*, without
 13 leave of this court, prior to a decision by this court.

14 Defendant Harris should not be allowed to file any supplemental brief in
 15 opposition to Plaintiff Nichols motion for partial summary judgment including one
 16 in the guise of a notice of supplemental authority or in the guise of a "response" to
 17 Plaintiff Nichols' notice of supplemental authority.

18 Defendant Harris should be limited to filing a Notice of Supplemental
 19 Authority regarding *Silvester* and her notice should be limited to *Silvester*.

20
 21
 22 Dated: January 6, 2014

Respectfully submitted,

23 

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

///

CERTIFICATE OF SERVICE

On this, the 6th day of January, 2014, I caused to be served a copy of the foregoing **PLAINTIFF'S RESPONSE TO DEFENDANT HARRIS' OBJECTION TO PLAINTIFF'S NOTICE OF SUPPLEMENTAL AUTHORITY** [Dkt # 149] 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 6th day of January, 2014 by:

A handwritten signature in dark ink, appearing to read "Charles Nichols", is written over a horizontal line.

Charles Nichols