

No. 14-55873 [DC No.: 2:11-cv-09916-SJO-SS]

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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Charles Nichols,

*Plaintiff-Appellant*

v.

Edmund Brown, Jr., et al

*Defendants-Appellees.*

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APPEAL FROM THE  
UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

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**APPELLANT'S MOTION TO FILE SUR-REPLY IN OPPOSITION TO  
DEFENDANT-APPELLEE KAMALA D. HARRIS' MOTION TO STAY  
PROCEEDINGS**

**URGENT MOTION UNDER CIRCUIT RULE 27-3(b)**  
**Action Necessary Before: December 23, 2014**

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Plaintiff-Appellant In Pro Per

Plaintiff-Appellant Charles Nichols respectively moves (this motion is opposed) for leave to file the attached Sur-Reply in order to address allegations newly raised in Appellees' Reply to Appellant Nichols' opposition to Appellees' motion to stay. Absent an opportunity to file his Sur-Reply, Plaintiff-Appellant Nichols will be unfairly denied the chance to respond to these new assertions.

The unfairness here is compounded by the fact that Plaintiff-Appellant Nichols has already filed his opening brief attached to his motion to file an oversized brief, a motion which was *unopposed* by Appellees.

This Motion is urgent because unless it is resolved quickly, Appellees have a de facto extension of time far beyond what they are allowed to study and prepare their Answering Brief to Plaintiff-Appellant Nichols' opening brief. If Appellees' motion to stay is granted, a stay which cites no rule or authority either in the motion to stay or in Appellees' Reply brief, Plaintiff-Appellants Nichols' will continue to be denied his Second Amendment right to carry firearms for the purpose of self-defense in his home, in and on his motor vehicles and in non-sensitive public places. For the foregoing reasons, Plaintiff-Appellant Nichols' faces irreparable harm if this motion is not resolved promptly.

Dated: December 15, 2014

Respectfully submitted,  
Charles Nichols

By: s/ Charles Nichols  
Plaintiff-Appellant  
In Pro Per

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court of the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on December 15, 2014. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/ Charles Nichols\_\_\_\_\_