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2014 FEB -3 PM 1:45
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
BY: 

FILED

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 # 157]**

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' frivolous objection [Dkt #157] to Plaintiff Nichols' Notice(s) of
25 Supplemental Authority.

26 Defendant Harris now says does not object to any notice of supplemental
27 authority and she cites no Federal Rule of Civil Procedure or Central District of
28 California Local Rule which requires that a Notice of Supplemental Authority be

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

9 Defendant Harris is well aware that there is no rule preventing filing notices
 10 of supplemental authority, without leave of this court, prior to a decision by this
 11 court. Instead, she cites a Local Rule from a Sixth Circuit Court in the Southern
 12 District of Ohio! Adding absurdity to incredulity, Defendant Harris cites a district
 13 court decision from the same circuit which *denied the motion to strike* the notice
 14 of supplemental authority in that case which was filed in violation of that rule!

15 Defendant Harris should not be allowed to file any supplemental brief in
 16 opposition to Plaintiff Nichols motion for partial summary judgment including one
 17 in the guise of a notice of supplemental authority or in the guise of a "response" to
 18 Plaintiff Nichols' notice of supplemental authority. Defendant Harris should not
 19 be permitted to file a brief supplementing the factual record in the guise of a
 20 response to Plaintiff's notices of supplemental authority.

21
 22 Dated: February 1, 2014

Respectfully submitted,

23 

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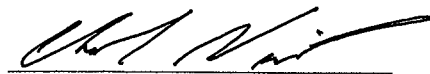
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CERTIFICATE OF SERVICE

On this, the 2nd day of February, 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 # 157]** by US Mail on:

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

Executed in Los Angeles County California on this the 2nd day of February, 2014 by:



Charles Nichols