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April 6, 2017

Molly Dwyer
Clerk of the Court
U.S. Court of Appeals, Ninth Circuit
95 Seventh St.
San Francisco, CA 94103-1526

RE: *Nichols v. Brown*, U.S.C.A., 9th Circuit, Case No. 14-55873

Dear Ms. Dwyer:

This letter responds to the March 17, 2017, letter that Charles Nichols submitted in the above-entitled case, under Federal Rule of Appellate Procedure 28(j), concerning the recent decision of the U.S. District Court, Central District of California, in *Flanagan v. Harris*, Case No. 2:16-cv-06164-JAK-AS.

Mr. Nichols's may create mistaken impressions about the position of the California Attorney General's Office in litigation about the constitutionality of firearm regulations.

The AGO does not contend that Mr. Nichols has to violate California's open-carry statutes to have standing to challenge their constitutionality. Rather, the AGO concedes that Mr. Nichols has standing to pursue his lawsuit, including the appeal.

The AGO does not contend that Mr. Nichols's appeal is defective because it seeks a ruling on the question of whether people not barred by law from possessing firearms have the right, under the Second Amendment, to carry firearms openly in public. The AGO has emphasized the narrowness and specificity of the question presented, but has not contended that the way that Mr. Nichols has framed his case is improper.

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The body of this letter contains 173 words.

Sincerely,

s/ Jonathan M. Eisenberg
JONATHAN M. EISENBERG
Deputy Attorney General

For XAVIER BECERRA
Attorney General

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