

IN THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Charles Nichols,

Plaintiff-Appellant

v.

EDMUND G. BROWN, Jr., in his official
capacity as Governor of California and
KAMALA D. HARRIS, Attorney General,
in her official capacity as
Attorney General of California,

Defendants-Appellees.

APPEAL FROM THE
UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
Case No. 2:11-cv-09916-SJO-SS
The Honorable S. James Otero, Judge

STATUS REPORT

Charles Nichols
PO Box 1302
Redondo Beach, CA 90278
Tel. No. (424) 634-7381
e-mail: CharlesNichols@Pykrete.info
In Pro Per

STATUS REPORT

In response to this Court's February 4, 2016, ORDER, Plaintiff-Appellant Charles Nichols files this Status Report concurrent with his unopposed motion to extend the present stay of his appeal which expires on April 8, 2016 until July 20, 2016. That motion is unopposed by the only other parties to this appeal, Defendants-Appellees California Governor Brown and California Attorney General Kamala Harris, both sued solely in their official capacities.

All of the potentially related cases remained stayed or undecided because of *Peruta v. County Of San Diego*, No. 10-56971 "*Peruta*" and *Richards v. Prieto*, No. 11-16255 "*Richards*" and are likely to remain undecided until the en banc court in *Peruta* and *Richards* renders a decision.

In essence, there has been no change in the status to report other than to report that on April 7, 2016, the day before the stay in this present appeal (Nichols v. Brown, et al) expires, the California Supreme Court will hear oral arguments in *People v. Wade* – Supreme Court Case No.: S224599.

http://appellatecases.courtinfo.ca.gov/search/case/mainCaseScreen.cfm?dist=0&doc_id=2101131&doc_no=S224599 (last visited March 16, 2016).

If Wade prevails in his appeal then the plaintiffs in *Peruta* and *Richards* will be able to carry a loaded handgun concealed in a purse, backpack, or other

container so long as that container is not concealed beneath or within the clothing worn by the plaintiffs.

Inasmuch as the *Peruta* and *Richards* plaintiffs claimed that they were not seeking to carry a loaded handgun in a particular manner, place or time, but sought a concealed carry permit as it was the only means by which they could carry a loaded handgun in public; should Wade prevail in his case then it would moot the *Peruta* and *Richards* appeals as they would then be able to carry a loaded, concealed handgun in public without a permit.

Plaintiff-Appellant Nichols, on the other hand, would still be prohibited from openly carrying both loaded and unloaded firearms for the purpose of self-defense not only in non-sensitive public places where the State of California now concedes the core Second Amendment right extends, Plaintiff-Appellant Nichols will still be prevented from carrying a loaded firearm, and unloaded modern firearms, even in the curtilage of his home because the prohibitory laws he challenges prohibit him from doing so.

It has now been nine months since the en banc panel took *Peruta* and *Richards* under submission for a decision. We have long since passed any hope of there being a speedy resolution in those cases.

However, there will be a resolution in *People v. Wade* by the time the requested extension in this appeal expires and one can only hope that there will be a resolution in *Peruta* and *Richards* as well.

The parties in *Peruta* and *Richards* should have notified the court regarding *People v. Wade*, they did not.

STATUS OF POTENTIALLY RELATED CASES


James Rothery, et al v. County of Sacramento, et al
Court of Appeals Docket 09-16852

01/06/2016 [73](#) Filed order (Appellate Commissioner): The appellees' motion to further stay appellate proceedings pending *Peruta v. County of San Diego*, No. 10-56971, is granted as follows. Appellate proceedings are stayed until April 6, 2016. At or prior to the expiration of the stay of appellate proceedings, the appellees shall file the answering briefs or file a motion for appropriate relief. If the answering briefs are filed, the optional reply brief is due within 14 days after the last-served answering brief. In the absence of a motion, the stay of appellate proceedings will terminate without further notice. (Pro Mo) [9817846] (OC) [Entered: 01/06/2016 03:20 PM]

Christopher Baker v. Louis Kealoha, et al
Court of Appeals Docket 12-16258

05/01/2014 [78](#) Filed order (DIARMUID F. O'SCANNLAIN, SIDNEY R. THOMAS and CONSUELO M. CALLAHAN) Disposition of the pending petition for rehearing or rehearing en banc is deferred pending this Court's resolution of pending post-opinion matters in *Peruta v. County of San Diego*, No. 10-56971. [9078981] (WL) [Entered: 05/01/2014 08:32 AM]

George Young, Jr. v. State of Hawaii, et al
Court of Appeals Docket 12-17808
This appeal is fully briefed (See Dkt 37 and 47)

06/05/2013  47 Received 7 paper copies of Reply brief [37](#) filed by George K. Young, Jr.. [8656415] (SD)

Jonathan Birdt v. Charlie Beck, et al
Court of Appeals Docket 12-55115

11/18/2014 [47](#) Filed clerk order (Deputy Clerk: HL): Appellant's request, filed on November 12, 2014, to summarily remand this case is denied. The stay order issued on February 18, 2014 remains in effect. This case continues to be stayed pending this court's mandate in Peruta v. County of San Diego, 10-56971, or further order of the court. [9317304] (AF) [Entered: 11/18/2014 01:04 PM]

Robert Thomson v. Los Angeles County Sheriff
Court of Appeals Docket 12-56236

11/18/2014 [33](#) Filed clerk order (Deputy Clerk: HL): Appellant's request, filed on November 12, 2014, to summarily remand this case is denied. The stay order issued on February 18, 2014 remains in effect. This case continues to be stayed pending this court's mandate in Peruta v. County of San Diego, 10-56971, or further order of the court. [9317334] (WL) [Entered: 11/18/2014 01:18 PM]

Sigitas Raulinaitis, et al v. LASD
Court of Appeals Docket 12-56508

11/18/2014 [23](#) Filed clerk order (Deputy Clerk: HL): Appellant's request, filed on November 12, 2014, to summarily remand this action is denied. This case is stayed pending this court's mandate in Peruta v. County of San Diego, 10-56971, or further order of the court. [9317310] (AF) [Entered: 11/18/2014 01:08 PM]

Dorothy McKay, et al v. Sheriff Sandra Hutchens, et al
Court of Appeals Docket 12-57049

11/12/2013 [64](#) Filed order (HARRY PREGERSON, KIM MCLANE WARDLAW and RICHARD C. TALLMAN) The central issues of this case are the scope of the Second Amendment right to bear arms in public and the standard of review for Second Amendment challenges. There are currently several pending cases in the Ninth Circuit concerning these very issues. Accordingly, submission of this case is vacated and proceedings are stayed pending resolution of the following cases: United States v. Chovan, No. 11-50107 (submitted 2/15/12); Peruta v. County of San Diego, No. 10-56971 12/6/12); Richards v. Prieto, No. 11-16255 (submitted 12/6/12); and Baker v. Kealoha, No. 12-16258 (submitted 12/6/12). The panel retains jurisdiction over this petition for review. (submitted [8858927] (SM) [Entered: 11/12/2013 01:58 PM]

04/23/2014 [67](#) Filed order (HARRY PREGERSON, KIM MCLANE WARDLAW and RICHARD C. TALLMAN) Appellants' Motion for Relief from Stay and Request for Issuance of Memorandum Opinion is DENIED. Judge

Tallman would grant the motion because, in light of *Peruta v. Cnty. of San Diego*, 742 F.3d 1144 (9th Cir. 2014), Plaintiffs-Appellants satisfy the factors articulated in *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7 (2008), and are entitled to a preliminary injunction. [9069714] (BJB) [Entered: 04/23/2014 01:24 PM]

Sigitas Raulinaitis v. Ventura County Sheriffs Dept.
Court of Appeals Docket 14-56615

Note: These are the last two docket entries on PACER:

12/14/2015	25	Received 7 paper copies of Answering brief [19] filed by Ventura County Sheriffs Department. [9791281] (SD) [Entered: 12/14/2015 01:47 PM]
12/14/2015	26	Filed Appellee Ventura County Sheriffs Department paper copies of excerpts of record [20] in 2 volumes (Volume II UNDER SEAL). [9793448] (LA) [Entered: 12/15/2015 02:32 PM]

Dated: March 17, 2016

Respectfully submitted,

Charles Nichols
PO Box 1302
Redondo Beach, CA 90278
Tel. No. (424) 634-7381
e-mail: CharlesNichols@Pykrete.info
In Pro Per

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