

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

July 1, 2017
by cm/ecf

Ms. Molly C. Dwyer
Clerk, United States Court of Appeals
for the Ninth Circuit
95 Seventh Street
San Francisco, CA 94103

RE: *Charles Nichols v. Edmund Brown, Jr., et al* 9th Cir. No.: 14-55873;
Rule 28(j) letter

Dear Ms. Dwyer:

Plaintiff-Appellant Nichols submits *Duncan et al v. Becerra et al*, No. 3:17-cv-01017 Order Granting Preliminary Injunction Doc. 28 (S.D. Cal. June 29, 2017) as supplemental authority under FRAP Rule 28(j).

The legal justifications given in the Order by the Honorable District Court Judge Roger T. Benitez parallel, and often mirror, the same legal arguments made by *Nichols* both in the district court and again on appeal.

Claim – Argument	<i>Nichols</i> Opening Brief	Preliminary Injunction
Second Amendment	9, 20, 23-27, 33, 35, 37-64	7, 12-56, 64-66
14 th Amendment – Which includes Vagueness and Due Process	23. 28, 80-91	3-6,

It is undisputed that, in California, the need for self-defense is most acute outside of the home (Opening Brief at 14-15). More so as-applied to Mr. Nichols

given the well documented death threat against him which publically called for others to track him down and shoot him and a County Sheriff and District Attorney who refused to prosecute because in their opinion a criminal threat to shoot Mr. Nichols and calling upon others to track him down and shoot him is not a crime absent the word “kill.”

In any event, even if the US Supreme Court had explicitly limited the right to keep and bear arms to the home (it did not), it is undisputed that Mr. Nichols is prohibited under California law from carrying loaded firearms and unloaded modern firearms in the curtilage of his home. On the face of the handgun Open Carry license statutes at issue here, Mr. Nichols is prohibited from applying for and obtaining such a license.

Why? Because Mr. Nichols lives in an incorporated city and because that city is located within a county with a population of 200,000 or more people whereas similarly situated persons in unincorporated county territory can carry loaded firearms 150 yards beyond even a remote barn or other outbuilding on their residence. Opening Brief at 89.

Likewise, similarly situated persons living in incorporated cities within a county of fewer than 200,000 people or on property fully enclosed by a tall, sturdy fence or other substantial barrier to entry are not prohibited.

The body of this letter contains 349 words.

Sincerely,

/s/ Charles Nichols

Charles Nichols
Plaintiff-Appellant in Pro Per

cc: counsel of record (by cm/ecf)