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In Pro Per

December 31, 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 *Wrenn v. District of Columbia,* 864 F.3d 650 (2017) en banc denied without dissent, cert not filed, as supplemental authority under FRAP Rule 28(j).

Wrenn held that the "core" Second Amendment right extends beyond the home and *categorically* struck down an "ensemble of Code provisions and police regulations" it referred to as "the good reason law" which prohibited most people from carrying a handgun in public, concealed.

The plaintiffs did not challenge the separate handgun Open Carry ban enacted after the prior ban on carrying handguns openly or concealed was struck down in *Palmer v. District of Columbia*, 59 F.Supp.3d 173 (D.D.C. 2014).

Wrenn did not hold that *Heller* allowed for a ban on Open Carry. Indeed, it recognized that *Heller's* citation to *Chandler* "shields a right to open carry."

Relying on a prior circuit precedent, *Wrenn* held that the District must leave an "alternative channel" to exercise the Second Amendment right, "Longstanding

regulations aside…" (i.e., prohibitions on concealed carry) which is, of course, precluded in this circuit by *Peruta*, 824 F.3d 919 (2016) (en banc).

Wrenn, like *Heller*, rejected applying "tiers of scrutiny because no such analysis could ever sanction obliterations of an enumerated constitutional right."

Significantly, *Wrenn* rejected the "Northampton laws and surety laws," the law review article by Patrick J. Charles, and said that "[T]he few nineteenth-century cases that upheld onerous limits on carrying against challenges under the Second Amendment or close analogues are sapped of authority by *Heller*…"

In short, *Wrenn* rejected the entirety of Appellees Brown-Becerra's Second Amendment argument in its reply brief at pp 10-43 in a challenge to a far less restrictive "good reason" licensing law than the laws at issue in *Nichols*. Under the District law, *Nichols* would have qualified for a handgun carry license because he has a "Special need for self-protection distinguishable from the general community as supported by evidence of specific threats…"

Nichols' opening brief argued for a categorical rejection of the laws at issue here at 38-40 and "no evidence could support a ban on a fundamental, enumerated right." *Id* at 26.

Which *Wrenn* held.

The body of this letter contains 350 words.

Sincerely,

s/ Charles Nichols

Charles Nichols
Plaintiff-Appellant in Pro Per

cc: counsel of record (by cm/ecf)