

No. 12-17808

**In the United States Court of Appeals
for the Ninth Circuit**

George K. Young, Jr.

Plaintiff-Appellant,

v.

State of Hawaii, et al.

Defendants-Appellees.

**Appeal from a Judgment of United States District Court
For the District of Hawaii
Civ. No. 12-00336-HG-BMK
United States District Court Judge Helen Gillmor**

**Appellant's Motion for Leave to File Sur-Reply in Opposition to Defendants'
Petition for Rehearing *En Banc***

ALAN BECK
Attorney at Law
2692 Harcourt Drive
San Diego, California 92123
Telephone: (619) 905-9105
alan.alexander.beck@gmail.com

STEPHEN D. STAMBOULIEH
STAMBOULIEH LAW, PLLC
P.O. Box 4008
Madison, MS 39130
Telephone: (601) 852-3440
stephen@sdslaw.us

Attorneys for Appellant, George K. Young, Jr.

Pursuant to Fed. R. App. 27 and Ninth Circuit Rule 27-1, Plaintiff-Appellant George K. Young, Jr. requests leave to file the attached proposed Sur-Reply in Opposition to Defendants' Petition for Rehearing *en banc* and would show unto the Court the following:

1. On November 15, 2018, Defendants filed their Motion for Leave to File Reply in Support of Petition for Rehearing *en banc* ("Motion"). In their Motion and proposed Reply, Defendants rehashed a number of arguments made in their Petition and included additional references to their *amici* briefs in an attempt to persuade this Court that the Panel's Opinion was incorrect.

2. Defendants continue to advance the argument that their current position is wholly in line with their previous position that regular citizens can receive open carry licenses. *See* Reply, pp. 2-3. However, as explained in the Sur-Reply, this is incorrect.

3. Defendants also state, falsely, that there "is no basis for Young's statement that past practice supports the [P]anel's interpretation." *Id.* As demonstrated in the attached proposed Sur-Reply, this basis is well-supported in the various Counties' own documentation and those documents are being provided to this Court to refute Defendants' assertion.

4. Defendants also wrongly state that the Panel somehow "established a constitutional rule that will impose strict scrutiny on any public-carry law"

including, ostensibly, other Circuits. This is a gross misstatement of the case and the law and itself warrants leave to file a Sur-Reply if Defendants' Motion is granted and their Reply filed.

5. The proposed Sur-Reply conforms to Circuit Rule 27-1 in that it does not exceed ten pages.

6. Counsel for Defendants oppose this motion.

Respectfully submitted, this the 21st day of November, 2018.

s/ Alan Beck

ALAN BECK (HI Bar No. 9145)

Attorney at Law

2692 Harcourt Drive

San Diego, California 92123

Telephone: (619) 905-9105

Email: alan.alexander.beck@gmail.com

s/ Stephen D. Stamboulieh

STEPHEN D. STAMBOULIEH

Stamboulieh Law, PLLC

P.O. Box 4008

Madison, MS 39130

Telephone: (601) 852-3440

Email: stephen@sdsllaw.us

CERTIFICATE OF COMPLIANCE

I certify that the foregoing Motion complies with the type-volume limitations under the Federal Rules of Appellate Procedure 27 because it contains 279 words, and this complies with the typeface and style requirements of the Federal Rules of Appellate Procedure 27 because it has been prepared using Microsoft Word 365 in 14-point Times New Roman font.

s/ Alan Alexander Beck
Alan Alexander Beck

CERTIFICATE OF SERVICE

On this, the 21st day of November 2018, I served the foregoing pleading by electronically filing it with the Court's CM/ECF system which generated a Notice of Filing and effects service upon counsel for all parties in the case.

I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Executed this the 21st day of November 2018.

s/ Alan Alexander Beck
Alan Alexander Beck