

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.

On Appeal from the United States District Court for the
District of Hawaii, No. 12-CV-0336 (Gillmor, J.)

**MOTION TO CLARIFY OR EXTEND TIME
TO FILE AMICUS BRIEFS**

NOW INTO COURT comes the State of Louisiana who intends to file an amicus brief in this case on behalf of a coalition of interested States in support of the Plaintiff-Appellant on rehearing *en banc*. Pursuant to Federal Rules of Appellate Procedure 29 and 31 and Ninth Circuit Rules 29-2(e)(2) and 31-2.2(b), Louisiana requests clarification of the time to file the brief or, alternatively, extension of time to file, and, in support thereof, would show the Court the following:

1. On February 8, 2019, this Court granted *en banc* hearing and scheduled it for oral argument the week of March 25, 2019.
2. On February 14, 2019, this Court stayed all *en banc* proceedings and deferred submission of the case for decision by the *en banc* court pending the issuance of an opinion by the United States Supreme Court in *New York State Rifle and Pistol*

Association, Inc. v. City of New York, No. 18-280 (hereinafter referred to as *New York State Rifle*) and further order of this court.

3. Ordinarily, *amicus curiae* supporting the position of the responding party would have thirty-five days from the date the petition for *en banc* hearing was granted – or until March 15, 2019 – to file its brief. However, given that all proceedings were stayed, Louisiana contacted the clerk’s office to determine the effect the stay has on this timing requirement. The clerk’s office suggested Louisiana file this motion to clarify the proper procedures and time limitations.
4. Louisiana respectfully requests an extension until 35 days after the opinion in *New York State Rifle* is issued or, alternatively, until seven days after any supplemental brief by Plaintiff-Appellant is due in this case.
5. Waiting until after the opinion is issued will allow *amicus curiae* to better inform the Court of Louisiana’s and other interested states’ position on the law and how it should be applied in this case.
6. Such extension of time will not affect or delay any proceeding herein since they have all been stayed.
7. Undersigned counsel contacted the attorneys for both Plaintiff-Appellant (Stephen Stamboulieh) and Defendant-Appellees (Neal Katyal). The attorney for Plaintiff-Appellant has no objection. The attorney for Defendant-Appellees has no objection as long as any extension of time is granted for all *amici*.

WHEREFORE, Louisiana prays for the following:

1. That this Court clarify what effect the stay of proceedings has on the filing of *amicus curiae* briefs in this case; and
2. That this Court extend the time to file such brief until thirty-five days after the United States Supreme Court issues its opinion in *New York State Rifle Association, Inc. v. City of New York*, No. 18-280; or, alternatively,
3. That this Court extend the time to file such brief until seven days after the date that Plaintiff-Appellant Young has to file any supplemental brief in this case; or, alternatively,
4. That this Court extend the time to file such brief until thirty-five days after it issues its ruling on this Motion.

Respectfully submitted,

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ATTORNEY GENERAL

/s/ Elizabeth Baker Murrill

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Certificate of Service

I hereby certify that on February 22, 2019, I filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the appellate CM/ECF system. Counsel for all parties are registered CM/ECF users and will be served by the appellate CM/ECF system.

/s/ Elizabeth B. Murrill

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