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In Pro Per

May 22, 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 the video:
"ROUNDTABLE - Areas of Constitutional Doctrine Transformed" as
supplemental authority under FRAP Rule 28(j).

       This panel was held on November 19, 2016, during the 2016 National
Lawyers Convention in Washington, DC.

--Moderator: Hon. Diarmuid F. O'Scannlain, U.S. Court of Appeals, Ninth Circuit
-- Second Amendment Panelist Prof. Eugene Volokh, Gary T. Schwartz Professor
of Law, UCLA School of Law

https://youtu.be/MDlwbXLpOCI?t=32m34s 32:34 to 38:05 – Last visited May 21,
2017.

https://youtu.be/MDlwbXLpOCI?t=1h19m49s 1:19:49 to 1:22:35 – Last visited
May 21, 2017.

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Both the majority in the sharply divided and vacated three judge panel decision as well as the minority in *Peruta* en banc cited a law review article by Professor Volokh in support of their conclusion that Open Carry can be banned in favor of concealed carry despite Professor Volokh saying, in the very same article, that his personal (functional) view is contrary to the "longstanding American tradition…exclud[ing] concealed carry." Reply Brief at 3-4.

In this panel discussion, Professor Volokh emphatically states that "The one thing which is clear in *Heller* is that there is no right to concealed carry under the Second Amendment..." https://youtu.be/MDlwbXLpOCI?t=1h21m4s – Last visited May 21, 2017.

"[A] right to carry arms openly: "This is the right guaranteed by the Constitution of the United States, and which is calculated to incite men to a manly and noble defence of themselves, if necessary, and of their country, without any tendency to secret advantages and unmanly assassinations."" *District of Columbia v. Heller*, 128 S. Ct. 2783 (2008) at 2809

"We therefore hold that the Due Process Clause of the Fourteenth Amendment incorporates the Second Amendment right recognized in *Heller*." *McDonald v. City of Chicago, Ill.*, 130 S. Ct. 3020 (2010) at 3050.

Notwithstanding the limited exceptions (not at issue here) allowing for concealed carry under *Heller* (travelers and persons on a journey *Id* at 2812) Open Carry is the Second Amendment right recognized in *Heller* and that right has been incorporated against the states in *McDonald*.

The body of this letter contains 348 words.

Sincerely,

/s/ Charles Nichols

Charles Nichols
Plaintiff-Appellant in Pro Per

cc: counsel of record (by cm/ecf)

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9th Circuit Case Number(s) | 14-55873

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

Signature (use "s/" format) | /s/ Charles Nichols

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Signature (use "s/" format)