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**UNITED STATE COURT OF APPEALS
NINTH CIRCUIT**

GEORGE K. YOUNG JR,)	
)	
Plaintiff,)	No. 12-17808
vs.)	
)	
STATE OF HAWAII ET. AL.)	CASE No. 1200336 HG BMK
)	
Defendants.)	MOTION FOR ORDER TO FILE SUPPLEMENTAL BRIEFING

MOTION FOR ORDER TO FILE SUPPLEMENTAL BRIEFING

COMES NOW the Plaintiff-Appellant George K. Young, and brings this

Motion for Order to File Supplemental Briefing.¹

¹ Counsel advised counsel for Defendants he would file this Motion, and counsel for Defendant State of Hawaii advised as follows: “As an amicus only, the State of Hawaii would not object to plaintiff’s (sic) filing a motion seeking to file a supplemental brief attempting to distinguish Young from Peruta, provided that plaintiff would not object to the State of Hawaii filing a response to that supplemental brief. Whether the various County of Hawai’i defendants, who are parties, would object to plaintiff filing the supplemental brief is, of course, their decision.” Counsel attempted to reach other County Defendants’ counsel, but was unsuccessful in his attempt.

On June 9, 2016, this Court issued its en banc opinion in *Peruta v. Cty. of San Diego* (2016). This Court held that “... the Second Amendment does not preserve or protect a right of a member of the general public to carry concealed firearms in public.” *Id.* at p. 11. The Court specified that it did “... not reach the question whether the Second Amendment protects some ability to carry firearms in public, such as open carry. That question was left open by the Supreme Court in *Heller*, and we have no need answer it here.” *Id.* at 19.

Pursuant to Fed. R. App. P. 28(c), no further briefing is allowed unless this Court orders supplemental briefing. Mr. Young’s relief requested in the lower court is that he receive “[i]mmediate issuance of a Concealed Carry Weapons Permit or an Unconcealed Weapons Permit for a period of not less than three years.” Complaint at p. 52. As the issue of whether or not the ban on open carry of a weapon was specifically not addressed in *Peruta*, Mr. Young requests this Court order supplemental briefing on what impact *Peruta* has on this case.

While Mr. Young addressed open carry in his Opening Brief (see pp. 1, 14, 15, 35), Mr. Young respectfully requests that he has an opportunity to address in greater detail the *Peruta* decision than would be allowed in an Fed. R. Civ. P. 28(j) letter due to the 350-word limitation imposed by Rule 28(j).

Conclusion

Mr. Young respectfully requests that this Court enter an Order requesting supplemental briefing in light of this Court’s en banc decision in *Peruta*. The open carry

of a weapon was not decided by *Peruta* and therefore Mr. Young believes that supplemental briefing would assist the Court in this issue, especially as *Peruta* was decided well after briefing was completed in this case.

Dated: June 9, 2016

s/ Alan Beck

Alan Beck (HI Bar No. 9145)

s/ Stephen D. Stamboulieh

Stephen D. Stamboulieh

CERTIFICATE OF SERVICE

On this, the 9th day of June, 2016, 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 declare under penalty of perjury that the foregoing is true and correct.

Executed this the 9th day of June, 2016

s/ Stephen D. Stamboulieh