

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 Response to State of Hawaii's Motion to Intervene

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RESPONSE TO STATE OF HAWAII'S MOTION TO INTERVENE

Mr. Young does not oppose the State of Hawaii's right to intervene under 28 U.S.C. § 2403(b) for the purpose of defending the constitutionality of Hawaii Revised Statutes § 134-9. Mr. Young files his Response solely to correct an oversight in State of Hawaii's Motion to Intervene.

On page 3 of the State's Motion, it stated that, "[o]n appeal, Young declined to challenge any portion of the District Court's holding except its conclusion that section 134-9 does not violate the Second Amendment." Mr. Young raised a due process argument in his Complaint. That was ruled on by the district court. *See Young v. Hawaii*, 911 F. Supp. 2d 972, 992-993 (D. Haw. 2012). Further, Mr. Young raised his due process claim on pages 29-32 of his opening brief [*See* Docket No. 6]. Additionally, in footnote 22 of the panel's decision, the panel acknowledged Mr. Young's due process claim and stated, "[b]ecause we reverse the district court on Second Amendment grounds, we need not reach Young's due process claim". *See Young v. Hawaii*, No. 12-17808, 2018 U.S. App. LEXIS 20525, at *64 n.22 (9th Cir. July 24, 2018). Mr. Young expressly reserves his due process claim.

This Response is filed solely to correct the State's oversight and Mr. Young does not oppose the State's intervention under 28 U.S.C. § 2403(b).

s/ Alan Beck
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CERTIFICATE OF COMPLIANCE
TYPE-VOLUME LIMITATIONS, TYPEFACE REQUIREMENTS,
AND TYPE STYLE REQUIREMENTS

Undersigned counsel certifies the following:

1. This Response complies with the type-volume limitation of Fed. R. App. P. 27 because this Response contains 219 words, as calculated by Microsoft Word 365 Version 1807.
2. This Response complies with the typeface Fed. R. App. P. 27 because this Response has been prepared in proportionately spaced typeface using Microsoft Word 365 Version 1807 in 14-point Times New Roman font.

/s/ Stephen D. Stamboulieh
Stephen D. Stamboulieh

CERTIFICATE OF SERVICE

On this, the 17th day of August 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 declare under penalty of perjury that the foregoing is true and correct.

Executed this the 17th day of August 2018.

s/ Stephen D. Stamboulieh