



Office of the Clerk
UNITED STATES COURT of APPEALS for the NINTH CIRCUIT
95 Seventh Street, Post Office Box 193939
San Francisco, California 94119-3939



Molly Dwyer, Clerk of Court

(415) 355-8000

February 21, 2013

Kamala D. Harris, Attorney General
Office of the Attorney General, State of California
1300 I Street
Sacramento, CA 95814

Dear Ms. Harris:

In accordance with Federal Rule of Appellate Procedure 44 and 28 U.S.C. § 2403(b), we are certifying to the Attorney General of the State of California a constitutional challenge to a state statute raised in a pending appeal in which the State of California is not a party.

The case is: *McKay v. Hutchens.*, no. 12-57049. The state statute at issue is California Penal Code § 26150.

The attorneys are:

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FOR THE COURT:
Jennifer Nutt
Staff Attorney/Deputy Clerk