

ALAN BECK (HI Bar No. 9145)
Attorney at Law
4780 Governor Drive
San Diego, California 92122
Telephone: (619) 971-0414
Email: ngord2000@yahoo.com

Attorney for Amicus Curiae Hawaii Defense Foundation

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

KIRK FISHER

Plaintiff,

vs.

LOUIS KEALOHA, as an individual and
in his official capacity as Honolulu Chief
of Police; PAUL PUTZULU, as an
individual and in his official capacity as
former Honolulu Acting Chief of Police;
and CITY AND COUNTY OF
HONOLULU,

Defendants.

)
) Civ. No. 11-00589 ACK-BMK
) Notice Of Claim Unconstitutionality
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)
)
)

NOTICE OF CLAIM OF UNCONSTITUTIONALITY

COME NOW the Amicus Curiae, Hawaii Defense Foundation by and through undersigned counsel, and pursuant to 28 USC § 2403 and Local Rule 7.2 provide notice that this action questions the constitutionality of Hawaii Revised Statute §134-7, to the extent that provision denies applicants permits if they have been convicted of a misdemeanor crime of violence without a means to restore rights; Hawaii Revised Statute §134-2 to the extent that it violates the Equal Protection Clause of the 14th Amendment by allowing the Chief of Police to determine whether a person convicted of Hawaii Revised Statute § 711-1106(1)(a) is unfit to bear arms without providing justification and it violates the Procedural Due Process Clause of the 14th Amendment by allowing the Chief of Police to make this determination without any procedure when the documents regarding the conviction have been destroyed. Pursuant to this notice and 28 USC § 2403, Hawaii Defense Foundation requests the Clerk of this Court give the State notice of this suit.

Executed this the 22nd day of February, 2013.

/s/ Alan Beck
Alan Beck (HI Bar No. 9145)
Attorney for Amicus Curiae
Hawaii Defense Foundation

Certificate of Service

On this, the 22nd day of February, 2013, 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 22nd day of February, 2013.

/s/ Alan Beck

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Hawaii Defense Foundation