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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JONATHAN BIRDT,

Plaintiff-Appellant,

v.

CHARLIE BECK; et al.,

Defendants-Appellees.

No. 12-55115

D.C. No. 2:10-cv-08377-JAK-  
JEM

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
John A. Kronstadt, District Judge, Presiding

Submitted October 25, 2016\*\*

Before: LEAVY, SILVERMAN, and GRABER, Circuit Judges.

Jonathan Birdt appeals from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging violations of his Second Amendment rights. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Peruta v. County of San Diego*, 824 F.3d 919, 925 (9th Cir. 2016) (en banc), and we affirm.

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

In *Peruta v. San Diego*, this court, sitting en banc, held that a member of the general public does not have a right under the Second Amendment to carry a concealed firearm in public, and that a state may impose restrictions, including a showing of good cause, on concealed carry. *Id.* at 939. The San Diego and Yolo County Sheriff's Department policies interpreting the California statutory good cause requirement at issue in *Peruta* therefore survived a Second Amendment challenge. *See id.* For the same reasons, the Los Angeles Police Department's and the Los Angeles County Sheriff's Department's policies interpreting the California statutory good cause requirement do not violate the Second Amendment.

The motions by amici curiae for leave to file amici briefs are granted. The Clerk shall file the amici briefs submitted on October 30, 2012 and November 5, 2012. Appellant's motion to submit the case without oral argument, filed on October 30, 2012, is granted.

**AFFIRMED.**