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7  
8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 WILLIAM DEANS, an individual,  
11 Plaintiff,

12 vs.

13 LAS VEGAS CLARK COUNTY LIBRARY  
DISTRICT, *et al.*,  
14 Defendants.

Case No. 2:16-cv-02405-APG-PAL

**NOTICE OF SUPPLEMENTAL  
AUTHORITY**

15  
16 The First Circuit issued an opinion which is instructive and useful to this  
17 pending Motion. This opinion was issued only days before the preliminary  
18 injunction hearing, and after briefing was completed.

19 The case is *Rideout v. Gardner*, No. 15-2021, 2016 U.S. App. LEXIS 17622  
20 (1st Cir. Sep. 28, 2016). While not binding, this case is persuasive.

21 *Rideout* dealt with a statute that forbade taking “ballot selfies.” Assuming,  
22 without deciding, that such a restriction was content-neutral, the court  
23 determined that the statute was facially unconstitutional because it did not satisfy  
24 even intermediate scrutiny. *Id.* at \*13. The regulation was not aimed at any real  
25 articulable harms, but rather sought to remedy hypothetical problems.  
26 This “assertion of abstract interests” was not enough to satisfy even intermediate  
27 scrutiny. *Id.* at \*14-15. The court then found that, even if there were actual

1 present harms, the statute's prohibitions also punished innocent actors. See *id.*  
2 at \*18-19. The government failed to show how existing less restrictive laws were  
3 inadequate to combat the hypothetical harms. See *id.* at \*19-21.

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5 Dated: November 7, 2016.

Respectfully submitted,

6 /s/ Marc J. Randazza

7 Marc J. Randazza (NV Bar No. 12265)

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 7, 2016, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I further certify that a true and correct copy of the foregoing document being served via transmission of Notices of Electronic Filing generated by CM/ECF.

Respectfully Submitted,



Employee,  
Randazza Legal Group, PLLC

**RANDAZZA** | LEGAL GROUP

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