



Office of the Clerk
United States Court of Appeals for the Ninth Circuit
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Molly C. Dwyer
Clerk of Court

February 03, 2015

To: John J. Jordan

From: Molly C. Dwyer, Clerk of Court
By: Gabriela Van Allen, Deputy Clerk

Re: Receipt of Deficient Excerpts of Record of Appellant on 01/29/2015

USCA No. 14-10499 USA v. Susan Su

The referenced excerpts or record cannot be filed for the following reasons(s):

- *Notification of filing under seal is required: The sealed excerpts of record were not accompanied by an unsealed and separately captioned notification setting forth the reasons sealing is required, pursuant to 9th Cir. R. 27-13(b). Please submit a notification of filing under seal, with a copy of the district court's protective order(s) attached, pursuant to 9th Cir. R. 27-13(b). If the documents in the sealed excerpts were not sealed in the court below, a motion to seal is required pursuant to 9th Cir. R. 27-13(c).*
- *Incorrect front cover: The front cover should be listed as Volume 3 and for the Defendant/Appellant; not Defendant/Appellee. Please submit four copies of replacement excerpts of record for Volume 3.*

The following action has been taken with respect to the excerpts of record received in this office:

- *The deficiency by the appellant is judged to be serious. We cannot file your excerpts. The deficiency must be corrected within 14 days from the date of this notice or the case is subject to dismissal pursuant to 9th Cir. R. 42-1. The receipt of a seriously defective excerpts of record in this office does not toll the time for filing the excerpts while the defect is being corrected.*

9th Cir. R. 42-1 provides:

When an appellant fails to file a timely record, pay the docket fee, file a timely brief, or otherwise comply with rules requiring processing the appeal for hearing, an order may be entered dismissing the appeal. In all instances of failure to prosecute an appeal to hearing as required, the Court may take such other action as it deems appropriate, including imposition of disciplinary and monetary sanctions on those responsible for prosecution of the appeal.

When you submit corrections to the excerpts of record, **please return a copy of this letter**. If you don't submit your correction within 14 days of this notice, you must file a motion for leave to file late excerpts of record. *See* 9th Cir. R. 31-2.3 re: Extensions of time for filing brief.

See also 9th Cir. R. 30-2 re: Sanctions for Failure to Comply with Circuit Rule 30-1.