

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,)	No. 14-10499
)	
Appellee,)	DC# No. CR 11-0288 JST
)	Northern District of
)	California
v.)	Oakland Division
)	
SUSAN XIAO-PING SU,)	
)	
Appellant.)	
_____)	

APPELLANT'S MOTION TO STRIKE
PRO-SE BRIEF FILED BY
APPELLANT'S FATHER

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Attorney for Appellant
SUSAN XIAO-PING SU

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Appellant Susan Xiao-Ping Su, through counsel of record, hereby files this Motion to Strike the Pro-Se Brief apparently submitted to this Court on November 27, 2015, by appellant's father, Chang Gui Su.

1. Su is appealing her criminal conviction, after a jury trial, of 12 counts of wire fraud; two counts of mail fraud; one count of conspiracy to commit visa fraud; four counts of visa fraud; one count of using a

false document; one count of making a false statement; two counts of alien harboring; one count of unauthorized access of a government computer; and seven counts of money laundering.

2. Su is currently incarcerated at FCI, Dublin. Her projected release date is August 5, 2028.

3. Undersigned counsel represents Su on appeal to this Court.

4. On December 1, 2015, counsel received notification, through the ECF system, that this Court received a brief ostensibly filed on behalf of appellant, ECF Docket Entry 45. Counsel did not have any knowledge of this brief until receiving the file notification.

5. Counsel viewed a copy of the brief and noticed that the opening page is a copy of counsel's opening page of appellant's reply brief, filed with this Court on April 30, 2015. This cover was used without counsel's permission.

6. After reviewing the brief, counsel contacted appellant's family and was informed that Chang Gui Su had obtained a copy of the cover to appellant's reply brief and attached it to his own writings, then submitted the paperwork to the Court against family advice.

7. Counsel now moves this Court to strike the unauthorized brief submitted by Chang Gui Su. See *Jones v. Barnes*, 463 U.S. 745 (1983).

CONCLUSION

Accordingly, Su moves this Court to strike the unauthorized brief submitted by Chang Gui Su.

December 1, 2015.

Respectfully submitted,

/John J. Jordan
JOHN J. JORDAN
Attorney for Appellant
SUSAN XIAO-PING SU

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on December 1, 2015, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system:

MOTION TO STRIKE PRO-SE BRIEF

I certify that all participants in the case are registered CM/ECF users and that service on the United States Attorney for the Northern District of California, 450 Golden Gate Ave., San Francisco, CA 94102, the attorney for the respondent, will be accomplished by the CM/ECF system.

I further certify that a copy of this motion shall be served by U.S. Mail, properly addressed to:

Chang Gui Su
3340 Gardella Place
Livermore, CA 94551.

Dated: December 1, 2015.

/s/ John J. Jordan
JOHN J. JORDAN