



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

December 01, 2015

To: John J. Jordan

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

Re: Receipt of a Deficient Brief of Appellant on 11/27/2015

USCA No. 14-10499 USA v. Susan Su

The opening brief cannot be filed for the following reason(s):

Appellant is represented by counsel: The Court is in receipt of appellant's pro se brief. Because appellant is represented by counsel, only counsel may submit filings. Accordingly, this case will be decided on the basis of the opening brief and any further briefs filed by counsel for appellant. Appellant is advised that counsel is vested with the authority to determine which issues should be raised on appeal. See Jones v. Barnes, 463 U.S. 745, 751-53 (1983).

The following action has been taken with respect to the brief received in this office:

- The deficiency by the appellant is judged to be serious. We cannot file your brief. The deficiency must be corrected within 14 days or the case is subject to dismissal pursuant to 9th Cir. R. 42-1. The receipt of a seriously defective brief in this office does not toll the time for filing the brief 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 your brief or a corrected brief, **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 a late brief. See 9th Cir. R. 31-2.3 re: Extensions of time for filing brief.