

**United States Court of Appeals for the Second Circuit**  
**Thurgood Marshall U.S. Courthouse**  
**40 Foley Square**  
**New York, NY 10007**

**DENNIS JACOBS**  
 CHIEF JUDGE

**CATHERINE O'HAGAN WOLFE**  
 CLERK OF COURT

Date: April 14, 2011  
 Docket #: 11-1197 cv  
 Short Title: Cariou v. Prince

DC Docket #: 08-cv-11327  
 DC Court: SDNY (NEW YORK  
 CITY)  
 DC Judge: Batts

**NOTICE OF DEFECTIVE FILING**

On April 13<sup>th</sup>, 2011 the second attempt at filing a Notice of Appearance as Additional Counsel on behalf of the Appellant Richard Prince was submitted in the above referenced case. The document does not comply with the FRAP or the Court's Local Rules for the following reason(s):

- \_\_\_\_\_ Failure to submit acknowledgment and notice of appearance (*Local Rule 12.3*)
- \_\_\_\_\_ Failure to file the Record on Appeal (*FRAP 10, 11*)
- \_\_\_\_\_ Missing motion information statement (*T-1080 - Local Rule 27.1*)
- \_\_\_\_\_ Missing supporting papers for motion (e.g, affidavit/affirmation/declaration) (*FRAP 27*)
- \_\_\_\_\_ Insufficient number of copies (*Local Rules: 21.1, 27.1, 30.1, 31.1*)
- \_\_\_\_\_ Improper proof of service (*FRAP 25*)
  - \_\_\_\_\_ Missing proof of service
  - \_\_\_\_\_ Served to an incorrect address
  - \_\_\_\_\_ Incomplete service (*Anders v. California 386 U.S. 738 (1967)*)
- \_\_\_\_\_ Failure to submit document in digital format (*Local Rule 25.1*)
- \_\_\_\_\_ Not Text-Searchable (*Local Rule 25.1, Interim Local Rules 25.2*)
- \_\_\_\_\_ Failure to file appendix on CD-ROM (*Local Rule 25.1, Interim Local Rules 25.2*)
- \_\_\_\_\_ Failure to file special appendix (*Local Rule 32.1*)
- \_\_\_\_\_ Defective cover (*FRAP 32*)
  - \_\_\_\_\_ Incorrect caption (*FRAP 32*)
  - \_\_\_\_\_ Wrong color cover (*FRAP 32*)
  - \_\_\_\_\_ Docket number font too small (*Local Rule 32.1*)
  - \_\_\_\_\_ Incorrect pagination (*Local Rule 32.1*)
- \_\_\_\_\_ Incorrect font (*FRAP 32*)
- \_\_\_\_\_ Oversized filing (*FRAP 32*)
- \_\_\_\_\_ Missing Amicus Curiae filing or motion (*Local Rule 29.1*)

\_\_\_\_\_ Untimely filing  
\_XXX\_ Incorrect Filing Event **Note: Please refer to the previous defective notice for directions on how to cure.**

Other: \_\_\_\_\_

Please cure the defect(s) and resubmit the document, with the required copies if necessary, no later than April 18<sup>th</sup>, 2011. The resubmitted documents, if compliant with FRAP and the Local Rules, will be deemed timely filed.

Failure to cure the defect(s) by the date set forth above will result in the document being stricken. An appellant's failure to cure a defective filing may result in the dismissal of the appeal.

Inquiries regarding this case may be directed to 212-857-8561.