



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

December 8, 2011

To: Shawn Anthony Mangano

From: Molly C. Dwyer, Clerk of Court
By: Liora Anis, Deputy Clerk

Re: Receipt of Deficient Excerpts of Record of Appellant on 12/07/2011

USCA No. 11-16358 Righthaven LLC v. Center For
Intercultural Organ, et al

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

- *Excerpts lack certificate of service: All documents filed in this Court must include a certificate of service pursuant to Fed. R. App. P. 25(d). **If the excerpts of record were not served by the due date, you must additionally file a motion requesting leave to file late excerpts of record. Please submit 4 paper copies of the certificate of service of the excerpts of record with the appeal docket number at the top of each copy.***

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 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.