

**UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT  
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September 18, 2007

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**RE: 07-2067, ACLU of New Mexico, et al v. Santillanes**  
Dist/Ag docket: [CIV-05-1136 MCA/WDS]

Dear Counsel:

Appellees' brief is deficient because:

There is no list of prior or related appeals, with appropriate citations, nor is there an express statement that there are no prior or related appeals. *See* 10th Cir. R. 28.2(C)(1).

There is no statement on the front cover of the brief whether oral argument is desired. (Every request for oral argument must be accompanied by a statement of the reason(s) oral argument is necessary.) *See* 10th Cir. R. 28.2(C)(4).

Your brief is late.

You must file a corrected brief.

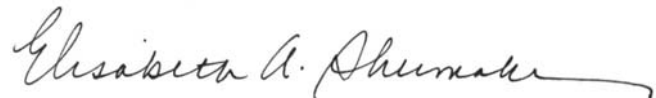
Corrections, however made, must be accompanied by proof of service on all other parties to the appeal. The time to file an answer or reply brief will run from the date of service of the correction(s).

If you fail to correct the stated deficiency(ies) within 10 calendar days of the date of this letter, the deficient brief or appendix will be stricken. In addition, the appeal may be dismissed without further notice, you may be barred from further appearance in this appeal except by permission of court, and you may be disciplined. *See* 10th Cir. R. 46.6 and the court's Plan for Attorney Disciplinary Enforcement, 10th Cir. R. Add. III.

The court may allow an untimely brief to be filed under appropriate circumstances. Within ten days from the date of this letter you may file a motion for leave to file your brief and/or appendix out of time. Unless a motion is filed, appropriate sanctions will be imposed. If appellant defaults, the appeal will be dismissed without further notice. *See* 10th Cir. R. 42.1. If appellee defaults, the appellee will not be heard at oral argument unless the court grants permission. *See* Fed. R. App. P. 31(c).

Please contact this office if you have questions.

Sincerely,



Elisabeth A. Shumaker  
Clerk of the Court

Enclosure(s)

cc: Mark G. Shoesmith