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December 12, 2005

Ms. Beverly Brown
Deputy Clerk
Court of Appeals for the Ninth Circuit
P.O. Box 193939
San Francisco, California 94119

Re: Angel McClary Raich, et al. v. Alberto Gonzales, et al., No. 03-15481

Dear Ms. Brown:

Pursuant to the instructions in your memorandum dated December 5, 2005, enclosed are 16 tan covers of the Appellants' Opening Brief.

Although the briefing schedule contained in the Court's Order of September 6, 2005, referred to the brief as an opening brief (which would ordinarily require a blue cover), it is my understanding that the Clerk's Office regards the document as a supplemental brief (which requires a tan cover). See FRAP 32(a)(2).

Kindly file-stamp the two enclosed copies of the new cover and return them to the undersigned in the enclosed self-addressed postage-affixed envelope.

Very truly yours,



Robert A. Raich

Enclosures

cc: See Certificate of Service



Cathy A. Catterson
Clerk of Court

Office of the Clerk
United States Court of Appeals for the Ninth Circuit
95 Seventh Street
Post Office Box 193939
San Francisco, California 94119-3939



(415) 556-9800

December 5, 2005

To: Robert A. Raich, Esq.
Suite 1200
1970 Broadway
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From: Office of the Clerk
By: Beverly Brown, Deputy Clerk

Re: Receipt of a Deficient Brief of Appellant on 11/23/05
USCA No. 03-15481 Raich, et al v. Gonzales

THE BRIEF COVER COLORS ARE INCORRECT. See FRAP 32(a). PLEASE
SUBMIT 16 COPIES OF TAN COVERS ONLY.
DO NOT SEND NEW BRIEF.

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

- *The deficiency is judged to be minor. The brief has been filed as of the date received. However, you are obligated within 14 days to correct the mentioned deficiency.*

When submitting 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.

CERTIFICATE OF SERVICE

I am not a party to the within action and am over eighteen years of age. My business address is 1970 Broadway, Suite 1200, Oakland, California 94612. I hereby certify that on the date this certificate is signed, I served the attached letter by inserting a true copy thereof in a sealed envelope, with postage fully prepaid, to be placed in the United States mail addressed to the following:

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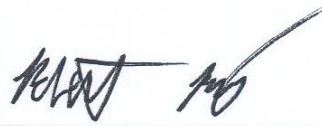
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Dated: December 12, 2005

A handwritten signature in black ink, appearing to read 'Robert A. Raich', written over a horizontal line.

Robert A. Raich

No. 03-15481

FILED

DEC 14 2005

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ANGEL McCLARY RAICH, et al.,

Plaintiffs-Appellants,

v.

ALBERTO GONZALES, as United States Attorney General, et al.,

Defendants-Appellees.

Remand from the United States Supreme Court,
Case No. 03-1454

and

Appeal from the United States District Court
for the Northern District of California,
Case No. C 02-4872 MJJ.

APPELLANTS' OPENING BRIEF

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