

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

AUG 25 2017

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

CHARLES C. LYNCH,

Defendant-Appellant.

No. 10-50219

D.C. No. 2:07-cr-00689-GW-1  
Central District of California,  
Los Angeles

ORDER

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

v.

CHARLES C. LYNCH,

Defendant-Appellee.

No. 10-50264

D.C. No. 2:07-cr-00689-GW-1

On June 15, 2017, the court denied Lynch’s “Notice and Request for a McIntosh Remand or Relief” submitted at Docket Entry No. 137. The denial was “without prejudice to renewing the arguments in the third cross-appeal brief.” Any such arguments must be contained within the third cross-appeal brief itself. *See* Fed. R. App. P. 28(a)(8).

On or before September 1, 2017, appellant shall file a substitute third cross-appeal brief not to exceed 24,000 words. The substitute third cross-appeal brief

must comply with the requirements of Fed. R. App. P. 28(a)(2)-(8) and 9th Cir. R. 28.1(c)(3). Any arguments not raised in the brief may be deemed waived by the panel assigned to consider the merits of this appeal.

The Clerk will strike Lynch's third cross-appeal brief submitted at Docket Entry No. 152.

Lynch's opposed motion (Docket Entry No. 151) to file an oversized third cross-appeal brief is denied as moot.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT