

United States Court of Appeals for the Tenth Circuit  
OFFICE OF THE CLERK  
Byron White United States Courthouse  
1823 Stout Street  
Denver, Colorado 80257  
(303)844-3157

Elisabeth A. Shumaker  
Clerk of Court

Douglas E. Cressler  
Chief Deputy Clerk

October 16, 2006

Mr. Sean Harrington  
P.O. Box 351855  
Westminster, CO 80035

Re: 06-1418, Harrington v. Wilson  
Dist/Ag docket: 05-cv-1858-EWN-MJW

Dear Appellant:

The district clerk has transmitted, or will transmit, to the court of appeals as the record on appeal, copies of all documents filed in the district court except those excluded by 10th Cir. R. 10.3(E).

Appellant shall file an opening brief within 40 days of the date of this letter. Failure to file a brief is ground for dismissal without further notice. Motions for extension of time are not favored and, absent extraordinary circumstances, will not be granted.

Appellant may use the enclosed form or may file a separate brief. If appellant elects not to use the form, appellant's brief must comply with the Federal Rules of Appellate Procedure and Tenth Circuit Rules. Failure to file a brief is grounds for dismissal without further notice.

Please contact this office if you have questions.

Sincerely,

Elisabeth A. Shumaker  
Clerk, Court of Appeals

By:   
Deputy Clerk

clk:sts

cc:

Brett N. Huff  
Randolph S. Dement  
David Yun  
Amy C. Colony

Christine K. Wil  
Gregory C. Langh

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

<p>Plaintiff/Petitioner - Appellant,</p> <p>v.</p> <p>Defendant/Respondent - Appellee.</p>	<p>Case No. 06-1418</p> <p>Appellant's Opening Brief</p>
--	--

**NOTICE AND INSTRUCTIONS**

If you proceed on appeal pro se, the court will accept a properly completed Form A-12 in lieu of a formal brief. This form is intended to guide you in presenting your appellate issues and arguments to the court. If you need more space, additional pages may be attached. A short statement of each issue presented for review should precede your argument. Citations to legal authority may also be included. This brief should fully set forth all of the arguments that you wish the court to consider in connection with this case.

New issues raised for the first time on appeal generally will not be considered. An appeal is not a retrial but rather a review of the proceedings in the district court. A copy of the completed form must be served on all opposing counsel and on all unrepresented parties and a proper certificate of service furnished to this court. A form certificate is attached.

## APPELLANT/PETITIONER'S OPENING BRIEF

1. **Statement of the Case.** (This should be a brief summary of the proceedings in the district court.)

2. **Statement of Facts Relevant to the Issues Presented for Review.**

**3. Statement of Issues.**

**a. First Issue:**

**Argument and Authorities:**

**b. Second Issue:**

**Argument and Authorities:**

**4. Do you think the district court applied the wrong law? If so, what law do you want applied?**

**5. Did the district court incorrectly decide the facts? If so, what facts?**

**6. Did the district court fail to consider important grounds for relief? If so, what grounds?**

**7. Do you feel that there are any other reasons why the district court's judgment was wrong? If so, what?**

**8. What action do you want this court to take in your case?**

**9. Do you think the court should hear oral argument in this case? If so, why?**

---

Date

---

Signature

**CERTIFICATE OF SERVICE**

I hereby certify that on \_\_\_\_\_ I sent a copy of  
(date)  
the Appellant/Petitioner's Opening Brief to \_\_\_\_\_  
\_\_\_\_\_, at \_\_\_\_\_  
(Opposing Party or Attorney)  
\_\_\_\_\_, the last known address, by  
United States mail or courier.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature