

# Cooper & Kirk

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July 30, 2014

Catherine O'Hagan Wolfe, Clerk of Court  
U.S. Court of Appeals, Second Circuit  
40 Foley Square  
New York, New York 10007

Re: *Shew v. Malloy*, No. 14-0319-cv

Dear Ms. Wolfe:

I am an attorney for the appellants in *Shew v. Malloy*, No. 14-0319-cv. I am writing to alert the Court to the fact that Stephen Holly improperly is listed as an appellant in this case on the docket and in the caption. Although listed as a plaintiff in the original complaint, Mr. Holly is no longer a party because he did not appear as a plaintiff in the amended and most recent complaint filed in the district court. *See* No. 13-739 (D. Conn. June 11, 2013) (Doc. 10). And because he was not included in the notice of appeal, *see* No. 14-319 (2d Cir. Feb. 3, 2014) (Doc. 1), he cannot be considered an appellant in this case, *see, e.g., Gusler v. City of Long Beach*, 700 F.3d 646, 648-50 (2d Cir. 2012).

Sincerely,

s/ Peter A. Patterson

Peter A. Patterson

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