

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JUL 29 2008

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

LOG CABIN REPUBLICANS,

Plaintiff - Appellant,

v.

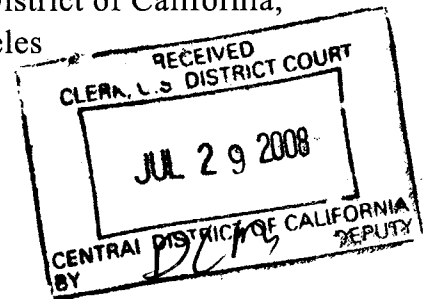
UNITED STATES OF AMERICA; et al.,

Defendants - Appellees.

No. 08-56185

D.C. No. 2:04-cv-08425-GPS-E
Central District of California,
Los Angeles

ORDER



A review of this court's docket reflects that the filing and docketing fees for this appeal remain due. Within 21 days after the date of this order, appellant shall pay to the district court the \$455.00 filing and docketing fees for this appeal and file in this court proof of such payment. Failure to pay the fees or file a motion to proceed in forma pauperis shall result in the automatic dismissal of the appeal by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1.

A review of the record also suggests that this court may lack jurisdiction over the appeal because the district court order challenged in this appeal is not final and thus not appealable. *See* 28 U.S.C. § 1291; *Silberkleit v. Kantrowitz*, 713 F.2d 433, 434 (9th Cir. 1983).

HS/MOATT

Within 21 days after the date of this order, appellant shall move for voluntary dismissal of the appeal or show cause why it should not be dismissed for lack of jurisdiction. If appellant elects to show cause, a response may be filed within 8 days after service of the memorandum.

If appellant does not comply with this order, the Clerk shall dismiss this appeal pursuant to Ninth Circuit Rule 42-1.

Briefing is suspended pending further order of the court.

For the Court:

Molly Dwyer
Clerk of Court

By: Helene Silverberg
Motions Attorney/Deputy Clerk
9th Cir. R. 27-7
General Orders/Appendix A