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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

In re Josephine Bellardita, CASE NO. CV F 08-1927 LJO  
Debtor, \_\_\_\_\_ **ORDER TO SHOW CAUSE**  
Josephine Bellardita, Vita Bella  
Group Homes, Inc., The Rosario Family  
Trust,  
Appellant,  
vs.  
Beth Maxwell Stratton,  
Appellee.  
\_\_\_\_\_ /

Appellee and Chapter 7 Trustee Beth Maxwell Stratton (“Ms. Stratton”) properly elected to transfer the appeal of appellant and debtor Josephine Bellardita (“Ms. Bellardita”) to this Court from the U.S. Bankruptcy Appellate Panel of the Ninth Circuit (“BAP”). The December 17, 2008 Opening Letter of this Court’s clerk required Ms. Bellardita within 10 days to file a designation of record, statement of issues on appeal, and notice regarding ordering of transcripts with the bankruptcy court. Ms. Bellardita has failed to comply with the Opening Letter.

On December 29, 2008, Ms. Bellardita filed papers which this Court construes to request to return this appeal to the BAP. Ms. Bellardita cites no authority to return this appeal to the BAP and complains that Ms. Stratton’s counsel did not serve her a file-stamped copy of the notice to transfer the

1 appeal to this Court.

2 Ms. Stratton is entitled to elect to have this appeal heard by this Court. *See* 28 U.S.C. §  
3 158(c)(1)(B). As such, this Court ORDERS Ms. Bellardita, no later than January 19, 2009, to file and  
4 serve papers to show cause in writing why this appeal should not be dismissed for failure to comply with  
5 the Opening Letter and to prosecute her appeal diligently.

6 **This Court ADMONISHES Ms. Bellardita that failure to comply with this order will be**  
7 **further grounds to dismiss this appeal.**

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9 IT IS SO ORDERED.

10 **Dated: January 5, 2009**

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE

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