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

11 In re Josephine Bellardita, CASE NO. CV F 08-1927 LJO
12 Debtor, **ORDER TO SHOW CAUSE**
13 Josephine Bellardita, Vita Bella
14 Group Homes, Inc., The Rosario Family
15 Trust, Appellant,
16 vs.
17 Beth Maxwell Stratton, Appellee.
18

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

26 On December 29, 2008, Ms. Bellardita filed papers which this Court construes to request to
27 return this appeal to the BAP. Ms. Bellardita cites no authority to return this appeal to the BAP and
28 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

11 /s/ Lawrence J. O'Neill

12 UNITED STATES DISTRICT JUDGE

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