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

LARRY TEVIS and NANCY TEVIS,)
)
 Appellants,)
)
 v.)
)
 CALIFORNIA DEPARTMENT OF VETERANS)
 AFFAIRS, DANIEL EGAN, LAW OFFICES)
 OF PAUL CASS, JAMIE ERRECART,)
 HANSEN, CULHANE, KOHLS, JONES &)
 SOMMER LLP, LAW OFFICES OF PETER)
 GALGANI, AMERICAN TITLE COMPANY,)
 MICHAEL BURKHART, OFFICE OF THE)
 U.S. TRUSTEE,)
)
 Appellees.)
 _____)

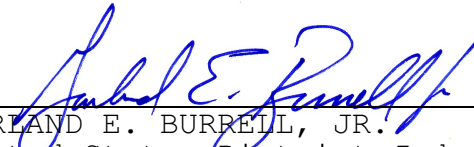
2:08-cv-01787-GEB
ORDER DISMISSING APPEAL*

This is an appeal of the Bankruptcy Court's July 28, 2008 "Order on pro se Plaintiffs' ex parte application for an extension of time to file opposition." (Notice of Appeal 1:20-23.) Rule 8009 of the Federal Rules of Bankruptcy Procedure provides that an appellant "shall serve and file a brief within 15 days after entry of the appeal on the docket. . . ." Fed. R. Bankr. P. 8009(a)(1). Appellants filed

* This matter is deemed suitable for decision without oral argument. E.D. Cal. R. 78-230(h).

1 their Notice of Appeal with this Court on August 1, 2008, Appellants'
2 motion to proceed *in forma pauperis* was granted on March 17, 2009, and
3 the appeal was docketed on March 17, 2009. (Docket 1, 15, 16.) Also
4 on March 17, 2009, in accordance with Rule 8009 of the Federal Rules
5 of Bankruptcy Procedure, the Clerk of Court sent notice to Appellants
6 informing them their brief shall be served and filed within 15 days of
7 the docketing of the appeal. (Docket 17.) Appellant has failed to
8 file an appellate brief and has made no further communications with
9 the Court to date. Federal Rule of Bankruptcy 8001 provides that the
10 Court may, in its discretion, dismiss an appeal where the appellant
11 fails to take steps beyond the filing of a notice of appeal to
12 prosecute his appeal. Fed. R. Bankr. P. 8001(a). Appellants have
13 responded in a timely fashion to other communications from this court,
14 including filing an application to proceed *in forma pauperis* in
15 response to an order. This Court has considered the impact of the
16 dismissal and available alternatives, and determines that Appellants
17 were at least negligent, if not completely indifferent, in not filing
18 their Opening Brief. Therefore, the appeal is dismissed with
19 prejudice and the Clerk of the Court shall close this case.

20 Dated: September 3, 2009

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GARLAND E. BURRELL, JR.
United States District Judge