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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

IN RE:

LARRY TEVIS and NANCY TEVIS,  
Debtors.

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LARRY TEVIS and NANCY TEVIS,

NO. CIV. S-09-316 LKK

Appellants,

v.

O R D E R

CALIFORNIA DEPARTMENT OF  
VETERAN AFFAIRS,

Appellee.  
\_\_\_\_\_

This case appears before the court as an appeal from the bankruptcy court. A briefing schedule was issued on April 13, 2009 directing appellant to file an opening brief within fifteen days of the date of that order and appellee to file a response within fifteen days of service of appellant's opening brief. Appellants filed their opening brief on April 23, 2009 and a revised opening brief the next day. Each document was served on appellee on the day it was filed, but appellee has not filed any response. Appellee has

1 not offered any explanation at all, let alone good cause, for its  
2 failure to adhere to the deadlines given in the scheduling order.

3 Accordingly, the court orders as follows:

4 1. Appellee is hereby ORDERED TO SHOW CAUSE in writing by  
5 September 14, 2009 why sanctions should not issue in the  
6 above-captioned case in the amount of One Hundred Fifty  
7 Dollars (\$150), as permitted by Local Rule 11-110, for  
8 the failure to file a timely opening brief;

9 2. Appellee's opening brief SHALL be filed and served not  
10 later than ten (10) days from the date of this order;  
11 failure to do so will be grounds to grant appellant's  
12 claim;

13 3. As set forth in the April 13, 2009 order (Doc. No. 8),  
14 appellant's reply, if any, SHALL be filed and served not  
15 later than ten days after service of appellee's opening  
16 brief;

17 3. Hearing in this matter is SET for October 13, 2009 at  
18 10:00 AM in Courtroom 4.

19 IT IS SO ORDERED.

20 DATED: August 20, 2009.

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LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT