

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEVEN KEITH ZINNELL,
Appellant,
v.
SUSAN K. SMITH,
Appellee.

No. 2:12-cv-1541-TLN

ORDER

Appellee Susan K. Smith (“Appellee”) has filed a motion to dismiss the above-captioned action, for failure to prosecute. (ECF No. 7.) The Court notes the following background.

On June 7, 2012, Appellant Steven Zinnel (“Appellant”) filed an Appeal in this Court (ECF No. 1, the “Appeal”) from a May 24, 2012 order entered in Bankruptcy Case No. 05-18800-C-7. That order “granted the Trustee’s professionals’ (attorneys and CPAs) applications for allowance of interim compensation.” (ECF No. 7 ¶ 2.) No opening briefs have been filed with this Court.

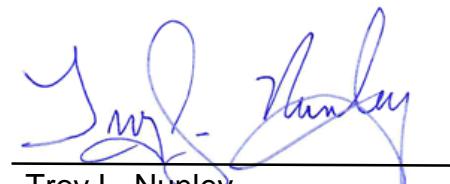
On June 5, 2013, the Court stayed the Appeal pending resolution of Appellee's criminal proceedings in this Court, Case No. 11-cr-0234-TLN. (ECF No. 6.)

Appellant was convicted in the criminal matter on July 16, 2013, and was sentenced to 212 months of imprisonment on March 4, 2014. (Case No. 11-cr-0234, ECF Nos. 219, 321.) Subsequent to his conviction, Appellant has made no further filings in this case. On August 5,

1 2014, Appellee filed the instant motion to dismiss, based on Appellant's failure to prosecute the
2 case. (ECF No. 7) Appellant has not filed an opposition.

3 Appellant is hereby ordered to show cause why Appellee's motion to dismiss (ECF No. 7)
4 should not be granted. Appellant may also file a statement of non-opposition, or generally clarify
5 his intent to litigate this case. A filing made by Appellant pursuant to this Order should respond
6 to Appellee's assertions (ECF No. 7 ¶ 14) that the relief requested is now moot. Appellant is
7 directed to make such a filing such within 30 days of service of this Order.

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9 Dated: March 18, 2015

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13 Troy L. Nunley
14 United States District Judge
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