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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

In re
CARL LOVGREN, JR. AND VIOLETA
CEREZO LOVGREN
Debtors.

No. 2:13-civ-00914-MCE
Adv. No.: 12-02599

CARL AND VIOLETA LOVGREN,
Appellants,
v.
KLARAOS NEIGHBORHOOD
REDEVELOPMENT 112, a Nevada
Series LLC,
Appellee.

ORDER

Appellants Carl and Violeta Lovgren (“Appellants”) appeal from the bankruptcy court’s Order dismissing their adversary proceeding, entered March 11, 2013, against Appellee Karaos Neighborhood Redevelopment 112 (“Appellee”). Presently before the Court is Appellee’s Motion to Dismiss for Failure of Appellants to File an Opening Brief and for Lack of Prosecution (“Motion”). No opposition has been filed.

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1 Appellants appear to have abandoned their appeal, as evidenced by their failure
2 to file either: (1) their Opening Brief, as required by both this Court's Order dated
3 May 14, 2013, and the Federal Rules of Bankruptcy Procedure; or (2) any opposition to
4 Appellant's Motion. Defendant's Motion to Dismiss for Failure to Prosecute (ECF No. 4)
5 is thus GRANTED. See Fed. R. Bankr. P. 8001(a) ("An appellant's failure to take any
6 step other than timely filing a notice of appeal does not affect the validity of the appeal,
7 but is ground only for such action as the district court or bankruptcy appellate panel
8 deems appropriate, which may include dismissal of the appeal."); 9th Cir. BAP Rule
9 8009(a)-1(b)(3) ("Appellant's failure to file a brief timely may result in the dismissal of the
10 appeal. A brief received after the due date will not be accepted for filing unless it is
11 accompanied by a motion for an extension of time and the motion is granted. The Panel
12 has no obligation to consider a late brief. Sanctions may be imposed, such as the waiver
13 of oral argument, monetary sanctions or dismissal."). The January 23, 2014, hearing on
14 this matter is hereby VACATED, and the Clerk of the Court is directed to close this case.

15 IT IS SO ORDERED.

16 Dated: January 16, 2014

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20 MORRISON C. ENGLAND, JR., CHIEF JUDGE
21 UNITED STATES DISTRICT COURT
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