

FILED

UNITED STATES COURT OF APPEALS

DEC 04 2008

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

BERNARD PAUL PARRISH, on behalf
of himself and all others similarly situated;
et al.,

Plaintiffs - Appellees,

v.

NATIONAL FOOTBALL LEAGUE
PLAYERS INC., a Virginia Corporation,
DBA Players Inc.; et al.,

Defendants,

v.

ELECTRONIC ARTS, INC.,

Third-party-defendant -
Appellant.

No. 08-17327

D.C. No. 3:07-cv-00943-WHA
Northern District of California,
San Francisco

ORDER

On October 30, 2008, this court ordered appellant within 21 days to move for voluntary dismissal of this appeal or show cause why it should not be dismissed for lack of jurisdiction. Appellant was warned that failure to respond would result in the dismissal of this appeal by the Clerk of the Court for failure to prosecute. To

date, appellant has not complied with the court's order. Accordingly, this appeal is dismissed for failure to prosecute. *See* 9th Cir. R. 42-1.

This order served on the district court shall act as and for the mandate of this court.

FOR THE COURT:

Molly Dwyer
Clerk of Court

By: Nina A. M. Greeley
Motions Attorney/Deputy Clerk
9th Cir. R. 27-7
General Orders/Appendix A