

**FILED**

## UNITED STATES COURT OF APPEALS

DEC 16 2008

## FOR THE NINTH CIRCUIT

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

WAYNE KEVIN VERNON,  
  
Plaintiff - Appellant,  
  
v.  
  
CITY OF SAN FRANCISCO; et al.,  
  
Defendants - Appellees.

No. 08-17379

D.C. No. 3:07-cv-01286-CRB  
Northern District of California,  
San Francisco

ORDER

Appellant has failed to comply with the court's order filed November 21, 2008.

Court records do not reflect that appellant has paid the docketing fee.

Accordingly, this appeal is dismissed. Ninth Cir. Rule 42-1. The parties shall bear their own costs on appeal.

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

FOR THE COURT:

By: Mary G. Schlepp  
Deputy Clerk

mgs/Mediation