

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re

No. C-10-0449 MMC

JOSE MARIO ZUNIGA,
Debtor,

**ORDER DISMISSING APPEAL FOR
FAILURE TO PROSECUTE**

ONEWEST BANK, FSB, and its successors
and/or assignees,

Movant,

v.

JOSE MARIO ZUNIGA, Debtor, and
MARTHA G. BRONITSKY, Trustee,

Respondents

By order filed February 4, 2010, the Court directed appellant Jose Mario Zuniga ("Zuniga") to show cause, in writing and no later than February 12, 2010, why the above-titled appeal from a decision of the Bankruptcy Court should not be dismissed for failure to prosecute. Said order was based on Zuniga's having failed to file in the Bankruptcy Court a Designation of Record, a Statement of Issues, and a Transcript Order Notice.


To date, Zuniga has failed to respond in any way to the Court's order to show cause, and consequently, has not advised the Court whether he has filed the necessary

1 documents in the Bankruptcy Court, and, if not, why he has failed to file them.¹ In short,
2 Zuniga has failed to show why the instant appeal should not be dismissed for failure to
3 prosecute. Nonetheless, in an abundance of caution, the Court has reviewed the docket of
4 the Bankruptcy Court, and, having completed such review, finds that Zuniga, in fact, has
5 failed to file in the Bankruptcy Court a Designation of Record, a Statement of Issues, and a
6 Transcript Order Notice.

7 Accordingly, the Court finds that Zuniga has failed to prosecute the above-titled
8 appeal, and hereby DISMISSES the instant appeal for failure to prosecute.

9 **IT IS SO ORDERED.**

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11 Dated: March 9, 2010


MAXINE M. CHESNEY
United States District Judge

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27 _____
28 ¹Approximately one month has passed since the deadline for Zuniga to respond to
the order to show cause.