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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

IN RE OMER BEARD

Case No: C 10-0084 SBA

**ORDER TO SHOW CAUSE RE  
DISMISSAL**

On January 7, 2010, Appellant Omar Beard filed a pro se notice of appeal from an Order on Trustee's Motion to Sell Real Property & Order Denying Motion to Reconvert Case, which was issued by the Bankruptcy Court on or about December 12, 2009. Federal Rule of Bankruptcy Procedure 8006 requires an appellant to file with the bankruptcy court clerk and serve on the appellee a designation of the items to be included in the record on appeal and a statement of the issues to be presented within ten days after filing the notice of appeal. Upon perfection and entry of the record on the District Court's docket, Appellant has twenty-eight days to file his opening brief. (Docket 2.) Although more than six months have lapsed since Appellant initiated this appeal, Appellant has not filed his opening brief nor is there any indication that he has perfected the record for appeal. Accordingly,


IT IS HEREBY ORDERED THAT Appellant shall show cause in writing why the instant appeal should not be dismissed under Rule 41(b) for failure to prosecute. Within seven (7) days of the date this order is filed, Appellant shall file a memorandum explaining why the appeal should not be dismissed. The memorandum, which shall be entitled, "Response to Order to Show Cause," shall set forth the nature of the cause, its present status, the reason it has not been brought to trial or otherwise terminated, any basis for opposing dismissal and its expected course if not dismissed. FAILURE TO FULLY COMPLY WITH THIS ORDER

1 WILL BE DEEMED SUFFICIENT GROUNDS TO DISMISS THE ACTION, WITHOUT  
2 FURTHER NOTICE.

3 IT IS FURTHER ORDERED THAT the hearing on the appeal scheduled for June 29,  
4 2010, is VACATED pending resolution of the instant order to show cause.

5 IT IS SO ORDERED.

6 Dated: June 21, 2010

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

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1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 IN RE OMER BEAIRD,

5 Plaintiff,

6 v.

7 IN RE OMER BEAIRD et al,

8 Defendant.

9 \_\_\_\_\_/

Case Number: CV10-00084 SBA

10 **CERTIFICATE OF SERVICE**

11  
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
13 Court, Northern District of California.

14 That on June 21, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said  
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing  
16 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
17 located in the Clerk's office.

18 Omer Beaird  
19 14 Snow Court  
20 Orinda, CA 94563

21 Dated: June 21, 2010

Richard W. Wieking, Clerk

22 By: LISA R CLARK, Deputy Clerk

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