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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAIN RE JUAN M. MORENO,
Debtor/Appellant.No. C 10-1027 PJH
Bankr. Case No. 09-48275**DISMISSAL ORDER**

On June 24, 2010, the court issued an order discharging its prior June 4, 2010 order to show cause re: why appellant had failed to perfect the record on this bankruptcy appeal filed months ago on March 10, 2010. The court discharged the prior OSC in spite of the fact that the trustee requested that the appeal be dismissed for failure to prosecute and in spite of the fact that appellant's explanation for his delay and failure to prosecute the appeal was incomprehensible and entirely inadequate. In its June 24, 2010 order, the court stated:

If appellant desires to proceed with the appeal, he is ORDERED to request and procure the transcripts on an expedited basis and at his expense, if necessary, such that the record on appeal is fully perfected no later than **thirty days** from the date of this order. If he fails to do so, the court will dismiss the appeal for failure to prosecute.

In spite of numerous chances, review of this court's docket and that of the bankruptcy court reveals that appellant failed to procure the transcripts and ensure that the record was perfected by July 26, 2010 in accordance with this court's order. In fact, it is currently more than three weeks after the deadline, and the record still has not

1 been perfected. Nor has appellant filed any explanation regarding his failure to comply with
2 the June 24, 2010 order. Accordingly, the court DISMISSES the appeal for failure to
3 prosecute pursuant to Federal Rule of Bankruptcy Procedure 8001.

4 **IT IS SO ORDERED.**

5 Dated: August 19, 2010



PHYLLIS J. HAMILTON
United States District Judge

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9 cc: Clerk of the Bankruptcy Court, Oakland Div.
10 Honorable Leslie Tschaikovsky

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