

United States District Court  
For the Northern District of California

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**E-FILED on 11/12/2010**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JACQUELINE C. MELCHER,  
Appellant,  
v.  
JOHN W. RICHARDSON,  
Appellee.

No. C-10-01856 RMW  
ORDER DISMISSING APPEAL

Appellant filed a notice of appeal on April 14, 2010. The bankruptcy appeal was transferred to this court on April 29, 2010. Appellant failed to timely file and serve a designation of the items to be included in the record on appeal and a statement of issues to be presented. Consequently, on June 1, 2010, the court issued an order to show cause why the case should not be dismissed for lack of prosecution. On July 2, 2010, the court ordered appellant to file with the clerk of the Bankruptcy Court and serve on appellee a designation of the items to be included in the record on appeal and a statement of the issues to be presented no later than July 16, 2010. The court warned appellant that further failures to comply with time limits or other rules of court could result in dismissal of the case and that she had a responsibility to inform herself as to the requirements for perfecting the record and pursuing her appeal.

1           The record on appeal has not been transmitted to this court. Appellant has neither paid for  
2 the transcripts necessary for appeal, nor has she sought *in forma pauperis* status. On October 15,  
3 2010, the court ordered appellant to appear on November 12, 2010 and again show cause why the  
4 appeal should not be dismissed.

5           Appellant filed a declaration immediately before the hearing. Neither appellant's written  
6 declaration nor her oral argument at the hearing showed adequate cause for failure to prosecute. It is  
7 hereby ordered that the appeal is dismissed.

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DATED:           11/12/2010



RONALD M. WHYTE  
United States District Judge