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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JACQUELINE CARLINE MELCHER,

Appellant,

v.

JOHN W. RICHARDSON, Trustee in
Bankruptcy,

Appellee.

Case No. C-12-01768-RMW

**ORDER GRANTING MOTION TO
DISMISS**

[Re Docket No. 7]

Appellee John W. Richardson moves to dismiss for lack of prosecution the appeal of Jacqueline Carline Melcher from the bankruptcy court's March 13, 2012 supplemental order. Melcher filed an untimely opposition and request for an extension on December 20, 2012, the day before the hearing.

Pursuant to Federal Rule of Bankruptcy Procedure 8006, Melcher was required to file with the clerk of the Bankruptcy Court and serve on Richardson a designation of the items to be included in the record on appeal and a statement of issues to be presented within 14 days of filing the notice of appeal. This filing was due on April 5, 2012. To date, Melcher has not filed the required documents. Maher Decl. ¶ 4, Dkt. No. 7

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This court has already dismissed eight prior appeals of Melcher's for failure to prosecute. *See* Maher Decl. ¶¶ 5-8. As noted previously, Melcher is familiar with the appeal process. *See* Order, No. 12-cv-00336, Dkt. No. 16 (July 16, 2012).

Therefore, the court grants Richardson's motion to dismiss and denies Melcher's motion for an extension of time.

Dated: December 21, 2012


Ronald M. Whyte
United States District Court Judge