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

IN RE: CASE NO. 5:13-cv-00046 EJD
PATRICIA DE LUCA, (Appeal from In re Patricia De Luca), Bankr.
Debtor. N.D. Cal. (San Jose) Case No. 12-51940 SLJ)
ORDER TO SHOW CAUSE

Appellant Patricia De Luca (“Appellant”) filed a Notice of Appeal from a decision of the Bankruptcy Court on January 4, 2013, and chose to have the action transferred to this court for appellate proceedings. See Docket Item No. 1. To date, however, the District Court has not received a copy of the record from the Bankruptcy Court.¹ The court cannot proceed without such record.

Accordingly, the court hereby issues an order to show cause requiring Appellant to investigate the status of the record in this action. Such investigation should include, but is not necessarily limited to, contact with the bankruptcy clerk in charge of forwarding the record from that court to the District Court. Appellant may provide the bankruptcy clerk a copy of this Order to Show Cause and may inform the bankruptcy clerk that the record has not been received.

¹ It does appear that appellee’s designation of items to be included in the record has been transmitted, however. See Docket Item Nos. 5, 6.


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Appellant shall file a brief declaration in response to this Order to Show Cause detailing the efforts made to secure the record and providing any other pertinent information on or before **August 2, 2013**. If Appellant does not file a response as directed, the court will dismiss the action with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

No hearing will be held on the order to show cause unless otherwise ordered by the court.

IT IS SO ORDERED.

Dated: July 22, 2013


EDWARD J. DAVILA
United States District Judge