

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re BOOKER T. WADE, JR.,)	Case No.: 14-CV-02351-LHK
)	
Debtor.)	ORDER DISMISSING APPEAL FOR
)	FAILURE TO PROSECUTE
)	

Booker T. Wade (“Appellant”) filed a notice of appeal under 28 U.S.C. § 158(a) and Federal Rule of Bankruptcy Procedure 8001(a) from an order of the Bankruptcy Court entered May 7, 2014 captioned, “Order Denying Approval of Disclosure Statement.” ECF No. 1. Appellant’s notice of appeal was timely filed on May 21, 2014. Id. Also on May 21, 2014, the Clerk issued an order instructing the parties to perfect the record on appeal pursuant to Rules of Bankruptcy Procedure 8006 and 8007, and setting deadlines for the parties to file opening, opposition, and reply briefs. ECF No. 2. Since May 21, 2014, no action has been taken in this matter.

On December 10, 2014, the Court ordered Appellant to show cause why his appeal should not be dismissed for failure to prosecute. ECF No. 3 (“Order to Show Cause”). The Court ordered Appellant to file a response to the Court’s Order to Show Cause by December 31, 2014. Id. The Court also set a hearing on the Order to Show Cause for January 8, 2015, at 1:30 p.m. Id. The Court further stated that Appellant’s failure to respond to the Order to Show Cause and to appear at the January 8, 2015 hearing would result in dismissal of his appeal for failure to prosecute.

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Appellant failed to file a response to the Order to Show Cause. Moreover, Appellant failed to appear at the hearing on January 8, 2015. Accordingly, this appeal is hereby DISMISSED for failure to prosecute. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: January 8, 2015


LUCY H. KOH
United States District Judge