

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: MOTORS LIQUIDATION COMPANY,
f/k/a GENERAL MOTORS CORPORATION,
Debtor.

STANLEY R. STASKO,

Appellant,

- against -

MOTORS LIQUIDATION COMPANY, f/k/a
GENERAL MOTORS CORPORATION,

Defendant.

JOHN G. KOELTL, District Judge:

On June 1, 2010, the appellant filed an appeal to this Court from a decision of the United States Bankruptcy Court for the Southern District of New York (Gerber, J.) dated April 21, 2010. The time for the appellant to file his brief in support of the appeal was set for June 21, 2010. The appellant did not file a brief, and on August 23, 2010, his time to do so was extended to September 20, 2010. The appellant has not filed a brief nor taken any other action to prosecute this case. Accordingly, the appeal is dismissed without prejudice for failure to prosecute. See, e.g., Stoenescu v. Jablonsky, 162 F.R.D. 268 (S.D.N.Y. 1995); see also Lyell Theatre Corp. v. Leows Corp., 682 F.2d 37, 43 (2d Cir. 1982). If, however, the appellant files by November 15, 2010, an application showing

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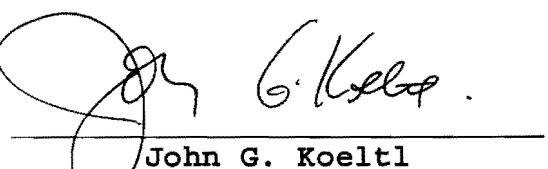
10 Civ. 4322 (JGK)

MEMORANDUM OPINION
AND ORDER

good cause why an extension should be granted, then this order of dismissal without prejudice shall be vacated and the case restored to the Court's calendar.

SO ORDERED.

Dated: New York, New York
 October 19, 2010



John G. Koeltl
United States District Judge