

APR 14 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JACQUELINE C. MELCHER,</p> <p style="text-align: center;">Appellant,</p> <p style="text-align: center;">v.</p> <p>JOHN W. RICHARDSON, Chapter 7 Panel Trustee,</p> <p style="text-align: center;">Appellee.</p>
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No. 12-17135

D.C. No. 5:11-cv-01616-RMW

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Ronald M. Whyte, District Judge, Presiding

Submitted April 7, 2014\*\*

Before: TASHIMA, GRABER, and IKUTA, Circuit Judges.

Jacqueline C. Melcher appeals pro se from the district court’s order dismissing for failure to prosecute her appeal of a bankruptcy court order. We have jurisdiction under 28 U.S.C. § 158(d). We review for an abuse of discretion.

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

*Morrissey v. Stuteville (In re Morrissey)*, 349 F.3d 1187, 1190 (9th Cir. 2003). We affirm.

The district court did not abuse its discretion in dismissing Melcher's appeal because Melcher failed to file a designation of record and an opening brief when her appeal had been pending for over 15 months, despite being given extensions of time and explicit warnings that failure to file designations of the record or an opening brief would result in dismissal. *See id.* at 1190-91 (dismissal for noncompliance with procedural rules is proper, without explicit consideration of alternative sanctions, where procedural deficiencies are numerous and egregious); *Moneymaker v. CoBen (In re Eisen)*, 31 F.3d 1447, 1451 (9th Cir. 1994) (discussing factors that guide a district court's decision to dismiss for failure to prosecute).

Melcher's request for additional time to file a letter brief in response to the Court's February 28, 2014 order is denied as moot.

**AFFIRMED.**