

FILED

UNITED STATES COURT OF APPEALS

JUN 11 2013

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

SALVATORE GALLUCCI; et al.,

Plaintiffs - Appellees,

DAVID JOHNSON; et al.,

Objectors - Appellants,

v.

BOIRON, INC.; et al.,

Defendants - Appellees.

No. 12-57074

D.C. No. 3:11-cv-02039-JAH-NLS
Southern District of California,
San Diego

ORDER

The opening brief was due April 22, 2013. A review of court records does not reflect that the appellants have file the opening brief. This appeal is therefore dismissed for failure to prosecute pursuant to Ninth Circuit Rule 42-1.

The appellees' motion to dismiss is denied as moot.

A copy of this order sent to the district court shall serve as and for the mandate of this court.

For the Court:

MOLLY C. DWYER

Clerk of the Court:

Cathie A. Gottlieb

Deputy Clerk

Ninth Cir. R. 27-7/Advisory Note to Rule 27
and Ninth Circuit 27-10