

FILED

UNITED STATES COURT OF APPEALS

JUN 03 2013

FOR THE NINTH CIRCUIT

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

SALVATORE GALLUCCI; et al.,

Plaintiffs - Appellees,

ISRAEL ELIZONDO,

Objector - Appellant,

v.

BOIRON, INC. and BOIRON USA, INC.,

Defendants - Appellees.

No. 12-57184

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

ORDER

On March 8, 2013, appellant was granted an extension of time to file the opening brief until April 10, 2013. Court records do not reflect that appellant has file the opening brief or communicated with the court. Therefore, this case is dismissed pursuant to Ninth Circuit Rule 42-1.

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

Appellees' motion to dismiss for lack of prosecution is moot.

For the Court:

MOLLY C. DWYER
Clerk of the Court

Linda K. King
Deputy Clerk
Ninth Cir. R. 27-7/Advisory Note to Rule 27
and Ninth Circuit Rule 27-10