

May 12, 2009

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
Elisabeth A. Shumaker
Clerk of Court

SANFORD B. SCHUPPER,

Plaintiff - Appellant,

v.

WILLIAM EDIE; ROBYN CAFASSO;
JEANNE SMITH; DAVID ZOOK; JOHN
NEWSOME; LINDA DIX, all in their
individual and official capacities; BOARD
OF COMMISSIONERS, EL PASO
COUNTY, COLORADO; JOHN DOE;
JANE DOE; DOES I-X,

Defendants - Appellees.

No. 08-1421
(D.C. No. 1:08-CV-01634-ZLW)
(D. Colorado)

ORDER

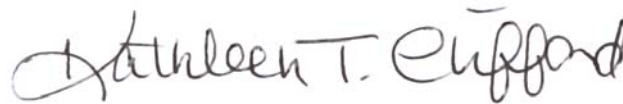
In a letter dated December 9, 2008, Appellant-Plaintiff Sanford Schupper was advised that his opening brief was to be filed within 40 days of the date on the letter, *i.e.*, by January 20, 2009, and that failure to file was grounds for dismissal without further notice. No brief was filed. In a letter dated January 30, 2009, Appellant was advised that his opening brief had not been filed and was given 10 calendar days, *i.e.*, until February 9, 2009, to file. In response, Appellant filed a motion for extension of time, which was granted in part in a February 23, 2009 Order. Appellant's opening brief was ordered to be filed by March 11,

2009 and Appellant was advised that no further extensions of time would be granted. No brief was filed.

In March 25, 2009 letter, Appellant was advised that his opening brief had not been filed. Appellant was given 10 calendar days, *i.e.*, until April 6, 2009, to file. No brief was filed. In an April 16, 2009 letter, Appellant again was advised that his opening brief had not been filed. Appellant was given 10 calendar days, *i.e.*, until April 27, 2009, to file. No brief was filed.

Upon consideration, this appeal is **DISMISSED** for failure to prosecute. *See* 10th Cir. R. 42.1. The mandate shall issue forthwith.

Entered for the Court
Elisabeth A. Shumaker, Clerk

A handwritten signature in dark ink, reading "Kathleen T. Clifford". The signature is written in a cursive, flowing style.

Kathleen T. Clifford
Attorney - Deputy Clerk