

March 4, 2009

UNITED STATES COURT OF APPEALS Elisabeth A. Shumaker  
Clerk of Court

FOR THE TENTH CIRCUIT

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SAMUEL K. LIPARI,

Plaintiff - Appellant,

v.

Nos. 08-3287, 08-3338, and 08-3345

US BANCORP NA; US BANK NA,

Defendants - Appellees.

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**ORDER**

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In an order dated December 19, 2008, the court directed as follows: “The consolidated opening brief of the plaintiff-appellant addressing all claims of error properly before the court in the three consolidated appeals [08-3287, 08-3338, and 08-3345] will be due within 40 days after the record on appeal is filed. Fed. R. App. P. 31(a)(1).”

The record on appeal was filed and on January 12, 2009, appellant was sent a notice that his consolidated opening brief was due within 40 days – therefore due on or before February 23, 2009 because February 21 fell on a weekend.

No consolidated brief has been filed. **Unless a consolidated brief is filed on or**

**before March 18, 2009, these consolidated appeals will be dismissed for failure to prosecute, in accordance with Tenth Cir. R. 42.1.**

Entered for the Court  
ELISABETH A. SHUMAKER  
Clerk of Court

A handwritten signature in black ink, appearing to read "Douglas E. Cressler". The signature is written in a cursive style with a long horizontal stroke at the end.

by:  
Douglas E. Cressler  
Chief Deputy Clerk