# United States Court of Appeals for the Federal Circuit

2010-1061

DIEP X. HOANG,

Plaintiff-Appellant,

v.

ABBOTT LABORATORIES, INC., KATHERINE GREEN,
KENNETH A. WILSON, MAURIZO ACQUASALIENTE,
STEPHEN MONTGOMERY, ZHENKUN MA, LY TAM PHAN,
SUOMING ZHANG, STEVAN W. DJURIC, YAT SUN OR,
and SANJAY CHEMBURKAR,

Defendant-Appellees.

Appeal from the United States District Court for the Northern District of Illinois in case
no. 08-CV-0189, Judge Matthew F. Kennelly.

ON MOTION

Before MAYER, LOURIE, and BRYSON, Circuit Judges.

PER CURIAM.

## O R D E R

Diep X. Hoang moves for an extension of time to file a brief. Abbott Laboratories, Inc. et al. oppose and move to dismiss this appeal.

On December 17, 2009, this court granted Hoang's motion for an extension of time, giving her until February 12, 2010 to file her brief. The court's order noted that Hoang should not anticipate further extensions. On March 1, 2010, the court granted Hoang's motion for an additional 30-day extension. The court's order noted that "[n]o further extensions will be granted." Nevertheless, Hoang has not yet filed her brief and yet again asks for additional time to file her opening brief.

This court meant what it said in its order that "no further extensions will be granted." Hoang did not file a brief on the court-ordered due date and her appeal must be dismissed for failure to prosecute. Julien v. Zeringue, 864 F.2d 1572, 1574 (Fed. Cir. 1989) ("failure to comply with this court's rules, including the requirements for preparing and filing briefs, appendices and other papers, may result in dismissal of an appeal for failure to prosecute").

Accordingly,

IT IS ORDERED THAT:

(1)     The motion for an extension of time is denied.

(2)     The motion to dismiss is granted.

(3)     Each side shall bear their own costs.

                                        FOR THE COURT

__MAY 0 3 2010__                        /s/ Jan Horbaly
          Date                          Jan Horbaly
                                        Clerk

cc:    Diep X. Hoang
       James F. Hurst, Esq.
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ISSUED AS A MANDATE:  __MAY 0 3 2010__

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