

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI**

PAUL W. DRIGGERS,)	
)	
Plaintiff/Appellant,)	CASE NO. CV-08-02590
)	
vs.)	ORDER OF DISMISSAL
)	OF APPEAL
KAREN N. VASSALLO,)	
)	
Defendant/Respondent.)	
)	

On December 1, 2009, Plaintiff, Paul W. Driggers, filed an Amended Notice of Appeal in this case. Mr. Driggers appealed to the District Court from various rulings in the Magistrate Division of the District Court.¹ A Notice of Settling Transcript on Appeal and Briefing Schedule was filed on April 12, 2010. Pursuant to **Rule 83(v), Idaho Rules of Civil Procedure**, and **Rule 34, Idaho Appellate Rules**, Appellant’s Brief was to be filed with the Court by May 17, 2010.

Appellant failed to file Appellant’s Brief within the applicable time limit. Therefore, the Appeal may be dismissed pursuant to **Rule 83(s), Idaho Rules of Civil Procedure**.

¹ Mr. Driggers also filed an Appeal to the Idaho Supreme Court on March 25, 2010. On April 22, 2010, an Order Conditionally Dismissing Appeal was entered by Stephen W. Kenyon, Clerk of the Supreme Court of the State of Idaho, suspending the appeal and conditionally dismissing that appeal.

It is ORDERED that the Appeal filed in this case pursuant to an Amended Notice of Appeal on December 1, 2009, shall be and hereby is DISMISSED.

DATED this _____ day of June, 2010.

John Patrick Luster
District Judge

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing ORDER OF DISMISSAL OF APPEAL was sent by U.S. mail, postage prepaid, sent by facsimile transmission, or sent by interoffice mail on the _____ day of June, 2010, to the following:

Paul Driggers
Reg 00922-287
Federal Correctional Institute
P. O. Box 23811
Tucson, Arizona 85734-3811

Karen Vassallo
(Address Redacted by Court)

Monica Flood
Attorney for Mr. Driggers
FAX: (208) 676-8288

DANIEL J. ENGLISH
Clerk of the District Court

By: _____
Deputy Clerk