

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

DEC 17 2021

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

MARIA MOELLER; RON MOELLER,

Plaintiffs-Appellees,

v.

THE ALIERA COMPANIES, INC.,

Defendant-Appellant,

and

TRINITY HEALTHSHARE, INC.; et al.,

Defendants.

No. 21-35607

D.C. No. 6:20-cv-00022-SEH  
District of Montana,  
Helena

ORDER

On October 20, 2021, the court ordered appellant's new counsel, within 28 days, to file a notice of appearance with the court. The order warned appellant that failure to comply would result in dismissal of the appeal. To date, appellant has not complied with the court's order. Accordingly, this appeal is dismissed for failure to prosecute. *See* 9th Cir. 42-1.

This order served on the district court shall, 21 days after the date of the order, act as the mandate of this court.

Appellees' motion (Docket Entry No. 17) to dismiss for failure to prosecute is denied as moot.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Sofia Salazar-Rubio  
Deputy Clerk  
Ninth Circuit Rule 27-7