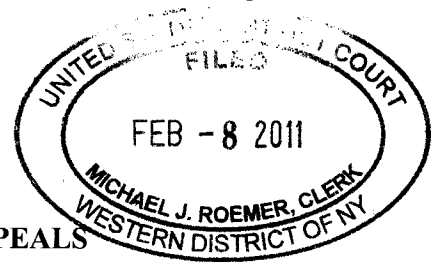


# MANDATE



UNITED STATES COURT OF APPEALS  
for the  
SECOND CIRCUIT

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At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 1<sup>st</sup> day of October, two thousand and ten,

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Jonathan Lee Riches,

Movant - Appellant,

Laborers Local 100 and 397 Pension Fund, On Behalf of Itself and All Others Similarly Situated, Structural Ironworkers Local Union #1 Annuity, Pension and Welfare Funds, Fred Badaracco, Individually and on behalf of all others similarly situated, Police and Fire Retirement of System of the City of Detroit, On Behalf of itself and all others similarly situated, James Brannon, Individually and on behalf of all others similarly situated,

Plaintiffs,

Anne Dayton, Helen Sarnoff, M. H. Kim, Jae R. Lee, Pension and Welfare Group, Charles Albert Stopford,

Movants,

v.

Bausch & Lomb Incorporated, Ronald L. Zarella, Stephen C. McCluski, John M. Loughlin, Dwain L. Hahs, Angela J. Panzarella, Robert B. Stiles, Kamal Sarbadhikari, Geoffrey F. Ide, William H. Waltrip,

Defendants - Appellees.

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**ORDER**

Docket Number: 10-3472

MANDATE ISSUED ON 12/17/2010



A notice of appeal was filed on August 26, 2010. The filing fee of \$455.00 was due to be paid to the district court by September 9, 2010. The case is deemed in default.

Instructions for moving for *in forma pauperis* status are provided in the Court's instructions entitled "*How to Appeal a Pro Se Case in the United States Court of Appeals for the Second Circuit*". The manual and the forms required to file the motion were mailed to appellant at the beginning of the case. They are also available on the Court's website [www.ca2.uscourts.gov](http://www.ca2.uscourts.gov).

IT IS HEREBY ORDERED that the appeal is dismissed effective October 22, 2010 unless by that date appellant either pays the fee in full, moves for *in forma pauperis* status in district court or, if district court has denied *in forma pauperis* status, moves in this Court for *in forma pauperis* status. If appellant has filed the motion in district court and the motion is pending, appellant must so advise this Court in writing by the same date.

For The Court:

Catherine O'Hagan Wolfe, Clerk

Kimberly Gay, Deputy Clerk

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit