

MAY 01 2009

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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

In re: DOT HILL SYSTEMS
CORPORATION SECURITIES
LITIGATION.

No. 09-55602

D.C. No. 3:06-cv-00228-JLS
Southern District of California,
San Diego

THE GENERAL RETIREMENT
SYSTEM OF THE CITY OF DETROIT;
et al.,

ORDER

Plaintiffs - Appellants,

and

INNA NARYZNAI; et al.,

Plaintiffs,

v.

DOT HILL SYSTEMS CORPORATION;
et al.,

Defendants - Appellees.

A review of the challenged order reflects that it may not be final and appealable because the district court dismissed the third amended class action complaint with leave to amend. Within 21 days after the date of this order, appellant shall move for voluntary dismissal of this appeal or show cause why it

should not be dismissed for lack of jurisdiction. *See* Fed. R. Civ. P. 54(b); *Indian-Oasis Baboquiv Unified Sch. Dist. v. Kirk*, 109 F.3d 634, 636 (9th Cir. 1997) (en banc). If appellant elects to show cause, a response may be filed within 8 days after service of the memorandum.

If appellant does not comply with this order, the Clerk shall dismiss this appeal pursuant to Ninth Circuit Rule 42-1.

Briefing is suspended pending further order of the court.

FOR THE COURT:

Molly Dwyer
Clerk of the Court

By: Raejean M. Battin
Motions Attorney/Deputy Clerk
9th Cir. R. 27-7
General Orders/Appendix A