

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

May 24, 2013

Lyle W. Cayce
Clerk

No. 12-11087

Summary Calendar

In the Matter of: TRACY SHON NIXON,

Debtor

TRACY SHON NIXON,

Appellant

v.

UNKNOWN,

Appellee

Appeals from the United States District Court
for the Northern District of Texas
Docket No. 3:12-CV-1946

Before SMITH, PRADO, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Tracy Shon Nixon (“Nixon”) appeals the district court’s dismissal of his *pro se* bankruptcy appeal for failure to file a brief within 21 days of entry of the appeal.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 12-11087

A bankruptcy appellant in the Northern District of Texas “shall serve and file a brief within 21 days after entry of the appeal.” N.D. Tex. L.B.R. 8009.1. One authorized remedy for failure to comply with procedural rules is dismissal of the appeal. *See* Fed. R. Bank. P. 8001(a) (“An appellant’s failure to take any step other than timely filing a notice of appeal does not affect the validity of the appeal, but is ground only for such action as the district court or bankruptcy appellate panel deems appropriate, which may include dismissal of the appeal.”); *Ainsworth v. McDonald (In re McDonald)*, 327 F. App’x 491 (5th Cir. 2009) (per curiam) (affirming district court’s dismissal of bankruptcy appeal for appellant’s failure to file a timely initial brief) (collecting cases).

The docket sheet reflects, and Nixon does not dispute, that his brief was filed more than two months after the deadline, and leave to file an out-of-time brief was not granted. His brief on appeal to us does not offer a reason for the untimely filing, argument that dismissal was unwarranted, or authority that the district court abused its discretion by dismissing the case. We AFFIRM.