

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

<p>IN RE: BERNICE MUHAMMAD,</p> <p style="padding-left: 40px;">Debtor/ Appellant,</p> <p>v.</p> <p>OPTION ONE MORTGAGE</p> <p style="padding-left: 40px;">Appellee.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Bankr. Case No. 04-16354-WSS-13</p> <p>CIVIL ACTION NO. 09-0148-CG-M</p>
--	--	---

ORDER

Ms. Muhammad’s bankruptcy appeal was docketed in this court on March 18, 2009. Ms. Muhammad did not file a brief within fourteen days as prescribed by FED. R. BANKR. P. 8009(a)(1), but moved for an extension of time to file because she claimed the bankruptcy court had not produced certain records. (Doc. 7). The court found that the bankruptcy court had provided the requested records to this court and ordered Ms. Muhammad to file her brief by September 17, 2010. (Doc. 12). Upon her failure to do so, the court granted her another extension to October 6, 2010. (Doc. 16). Ms. Muhammad was warned that her failure to file her brief on the merits by October 6, 2010 would result in her appeal being dismissed. (Doc. 16). To date, the court has not received Muhammad’s brief.

The court notes that Ms. Muhammad has filed several rambling motions seeking the recusal of the undersigned judge, seeking recusal of the bankruptcy judge, and asking this court to compel the U.S. Bankruptcy Court to produce records and to admit or deny something¹.

“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

¹ It is unclear what Ms. Muhammad wanted the Bankruptcy Court to admit or deny. In fact much of Ms. Muhammad’s filings are generally unclear or incomprehensible.

bankruptcy appellate panel deems appropriate, which may include dismissal of the appeal.” FED. R. BANKR. P. 8001(a). The Eleventh Circuit has found that dismissal of a bankruptcy appeal is proper when “bad faith, negligence or indifference” has been shown.” In re Beverly Manufacturing Corp., 778 F.2d 666, 667 (11th Cir.1985). “Dismissal typically occurs in cases showing consistently dilatory conduct or the complete failure to take any steps other than the mere filing of a notice of appeal.” Id. While Ms. Muhammad has taken steps beyond the mere filing of her appeal, she has shown a consistent inability to follow the rules of court or respect deadlines. The court provided Muhammad with notice of the potential dismissal and gave Ms. Muhammad more than one opportunity to file her brief. The court finds that Ms. Muhammad’s conduct demonstrates that bad faith, negligence or indifference exists in this matter.

Accordingly, this case is hereby **DISMISSED**

DONE and ORDERED this 12th day of October, 2010.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE