

LINK: JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES – GENERAL

Case No.	CV 13-5450 BRO	Date	July 31, 2013
Title	In Re Imaging3, Inc.		

Present: The Honorable BEVERLY REID O’CONNELL, United States District Judge

Renee A. Fisher

Not Present

N/A

Deputy Clerk

Court Reporter

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS)

**ORDER RE: APPEAL OF ORDER DENYING MOTION TO SUMMARILY
ORDER ANNUAL MEETING**

On July 29, 2013, Creditor John Vuksich filed a Notice of Appeal, challenging the Bankruptcy court’s denial of his Motion to Summarily Order Annual Meeting. On December 17, 2012, the bankruptcy court issued an order denying Vuksich’s Motion to Summarily Order Annual Meeting . Federal Rule of Bankruptcy Procedure 8002(a) provides, “[t]he notice of appeal shall be filed with the clerk within 14 days of the date of the entry of the judgment, order, or decree appealed from.” F.R.B.P. 8002. “The untimely filing of a notice of appeal is jurisdictional.” *In Re Souza*, 795 F.2d 855, 857 (9th Cir. 1986) (citations omitted) (reversing district court’s decision for lack of jurisdiction based upon untimely notice of appeal). Here, Vuksich filed his Notice of Appeal seven months after the bankruptcy court issued its decision.

Accordingly, the appeal is dismissed as untimely.

IT IS SO ORDERED.

Initials of
Preparer

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rf
