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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JAMES KINCAID and ESTELLA  
KINCAID,

Appellants,

v.

SUSAN K. SMITH AND THE OFFICE  
OF THE U.S. TRUSTEE,

Trustees.

No. 2:13-cv-01032-TLN

**ORDER DENYING MOTION FOR  
RECONSIDERATION**

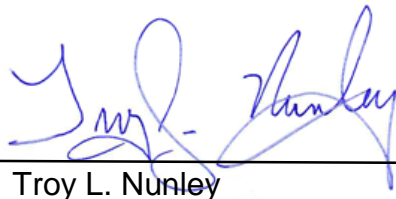
This case was originally brought before this Court on May 24, 2013. (*See* Notice of Bankruptcy Appeal, ECF No. 1.) On August 20, 2014, the Deputy Clerk of the U.S. Bankruptcy Court of the Eastern District of California certified that the record with respect to Appellants James Kincaid and Estella Kincaid (“Appellants”) was complete for purposes of this appeal. (ECF No. 17.) Pursuant to Federal Rule of Bankruptcy Procedure 8009, Appellants’ opening brief and excerpts of record were due, filed in the district court, within fourteen (14) days of the certification. (ECF No. 17.) On September 5, 2014, Appellants filed a motion for a fourteen (14) week extension to file their opening brief. (ECF No. 18.) The Court granted this request, but warned Appellants that the Court would not grant any further extension. (*See* Minute Order, ECF No. 19.)

On December 1, 2014, Appellants filed an ex parte application requesting another

1 extension. (ECF No. 20.) The Court denied this application, finding that Appellants failed to  
2 show good cause for another extension, especially in light of the Court's previous admonishment.  
3 (See Order, ECF No. 22.) In response, Appellants filed an Emergency Ex Parte Motion for  
4 Reconsideration (ECF No. 23), in which Appellants contend that Appellant James Kincaid's  
5 health has deteriorated and is causing delays. The Court is sympathetic to Appellants' health  
6 issues, but finds that this is not a new occurrence. Appellants complained of this issue back in  
7 June of 2014, and the Court took that into consideration when it reopened Appellants' case which  
8 had been closed for filing deficiencies. (See ECF Nos 15, 16.) The Court again excused  
9 Appellants' failure to file their opening brief on September 5, 2014, when the Court granted them  
10 a fourteen (14) week extension to file their opening brief. (ECF No. 18.) The Court cannot  
11 indefinitely grant Appellants' requests for extensions. In fact, Appellants were warned that they  
12 would not be granted any future extension and nothing in Appellants' Emergency Ex Parte  
13 Motion for Reconsideration excuses their lack of meeting this Court's deadlines. Accordingly,  
14 Appellants Emergency Ex Parte Motion for Reconsideration (ECF No. 23) is hereby DENIED.

15 IT IS SO ORDERED.

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17 Dated: January 6, 2015

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21 Troy L. Nunley  
22 United States District Judge  
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