

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge John L. Kane

Civil Action No. **08-cv-2407-AP**

In re: KIMBERLY MICHELLE MAYHEW

DOUGLAS ANDREW MAYHEW,

Appellant,

v.

KIMBERLY MICHELLE MAYHEW,

Appellee.

ORDER

Kane, J.

This AP bankruptcy appeal is before me on a document filed by pro se Appellant Douglas Mayhew entitled "Motion to Modify the Record on Appeal permit Clerk to Obtain the Necessary Transcript and Stay the Appellate Proceedings" (Doc. #21) This document was filed on the already extended deadline for Appellant to file his opening brief on appeal, and in it Appellant discloses that he failed to obtain the necessary transcripts to complete his record on appeal and seeks a further stay of the appeal and all briefing deadlines while he secures it. While the Motion seeks relief from this court on appeal, the caption states it is filed in the United States Bankruptcy Court and asks the Bankruptcy Court to effect the requested relief.

While considerable leeway is afforded laypersons proceeding before this court without counsel, pro se litigants are nevertheless charged with knowing the local rules and the

minimum forms for filing motions lest such proceedings fall into chaos. With that in mind, and giving Mr. Mayhew all benefit of the doubt, IT IS ORDERED THAT

Appellant shall have 30 days in which to secure the necessary transcript; supplement the record on appeal; and finalize his opening brief. Failure to submit his brief by close of business Friday, February 27, 2009, may result in the dismissal of the appeal. Appellee's Response brief is due on or before March 19, 2009, and any Reply is due April 3, 2009. Any filing made by Appellant in this court in furtherance of his appeal must be filed with the United States District Court caption, and directed not to the Bankruptcy Court, but to the District Court, which is the court to which Appellant's appeal is directed.

It is Appellant's responsibility to designate his record on appeal. If Appellant has specific questions on how to supplement his record, he should call the Clerk's office and request assistance in a professional and courteous manner from the docketing clerk who oversees this court's bankruptcy appellate docket.

The Motion to Modify the Record on Appeal, etc., is GRANTED in PART and DENIED in part as set forth above. Appellee's Motion for Extension of Time (Doc. #20) is GRANTED to the date specified above.

Dated: January 28, 2009

BY THE COURT:

S/John L. Kane

John L. Kane, Senior Judge
United States District Court