

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re:)
PETER KOSTYSHYN,) Chapter 13
Debtor.)
) Br. No. 15-10789 (BLS)
)
)

PETER KOSTYSHYN,)
Appellant,)
v.) Civ. No. 15-997-SLR
CITY OF WILMINGTON, et al.,)
Appellees.)

MEMORANDUM ORDER

At Wilmington this 4th day of January, 2016,

Having received a recommendation from Chief Magistrate Judge Mary Pat Thyng that this case be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this court; and having considered appellant's motions (D.I. 12, 13);

IT IS ORDERED that: (1) the recommendation is accepted and a briefing scheduled will be entered upon payment of the filing fee; (2) appellant's combined motion for partial payment plan schedule (D.I. 12) is **denied**, request for counsel (D.I. 12) is **denied** without prejudice to renew, and pretrial conference (D.I. 12) is **denied** without prejudice; (3) appellant's combined motion to remand to bankruptcy court (D.I. 13) is **denied** without prejudice and motion for injunctive relief (D.I. 13) is **denied**; and (4) appellant shall pay the \$298.00 filing fee in full in one payment as directed in the

November 5, 2015 order (D.I. 4), on or before February 4, 2016, for the reasons that follow:

1. On October 30, 2015, Peter Kostyshyn ("appellant"), an inmate at the Howard R. Young Correctional Institution, proceeding pro se, filed a notice of appeal from a September 25, 2015 order entered by the United States Bankruptcy Court for the District of Delaware. Appellant sought to proceed in forma pauperis, and the request was denied on November 5, 2015.¹ (D.I. 4)

2. Attempts have been made to remit partial payments of the filing fee owed. However, the Clerk of Court does not accept partial payments when a litigant has been denied in forma pauperis status, and appellant has been advised that full payment is required. (D.I. 7, 8) Appellant requests a payment plan for payment of the filing fee. The motion is denied. Appellant shall pay the \$298.00 filing fee in full. **Appellant is placed on notice that the appeal will be dismissed should he fail to pay the filing fee in full and in one payment, on or before February 4, 2016.**

3. On November 23, 2015, appellant filed a request for counsel and moved for injunctive relief to set aside a Sheriff's sale. (D.I. 9) Both motions were denied. (D.I. 11) Appellant renews his request for counsel and for injunctive relief. (See D.I. 12, 13) The request for counsel and motion for injunctive relief will be denied for the reasons set forth in the December 1, 2015 memorandum order (D.I. 11).

4. Appellant's request for a pretrial conference (D.I. 12) is denied without prejudice. Similarly, appellant's motion to remand to bankruptcy court (D.I. 13) is

¹The filing fee has not yet been paid.

denied without prejudice. Appellant may renew the motions upon full payment of the filing fee.

John T. Robman
UNITED STATES DISTRICT JUDGE