

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

ARA ERESIAN, JR. ,

Appellant,

v.

Case No: 2:13-cv-298-FtM-38

FREDERICK HUTCHINGS,

Appellee.

ORDER

This matter comes before the Court on the Court's Order to Show Cause Why the Case should not be Dismissed (Doc. #4) filed on June 6, 2013. On June 6, 2013, the Court entered an Order to Show Cause why the Appellant Ara Eresian, Jr. had not filed an initial brief in accord with the Federal Rules of Bankruptcy Procedure.

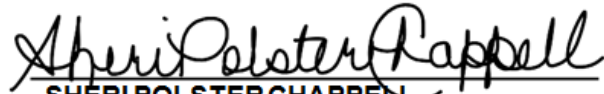
Under Federal Rule of Bankruptcy Procedure 8009(a)(1), Appellant was required to file an initial brief by May 6, 2013. The Appellant failed to file in accord with the Bankruptcy Rules. In response to his failure to comply with the Bankruptcy Rules, the Court entered an Order to Show Cause that allowed him up to and including June 21, 2013, to file his initial brief. The Appellant was warned that failure to file a brief as directed by the Court and the Bankruptcy Rules would result in his appeal being dismissed without further notice. To date the Appellant has failed to file an initial brief in his case and the time to do so under the Rules and by this Court's Order has expired. As such, the Appellant's Appeal of the Bankruptcy Decision is due to be dismissed with prejudice.

Accordingly, it is now

ORDERED:

The Appellant Ara Eresian, Jr.'s Bankruptcy Appeal is hereby **DISMISSED**. The Clerk of the Court is directed to enter judgment accordingly and terminate any pending motions. The Clerk is further directed to transmit a copy of this Order and Judgment to the Clerk of the Bankruptcy Court and close the appellate file.

DONE and **ORDERED** in Fort Myers, Florida this 24th day of June, 2013.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record