UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

IN RE:  BENJAMIN H. YORMAK

STEVEN R YORMAK,

       Appellant,

v.                                 Case No:  2:17-cv-73-FtM-38

BENJAMIN H. YORMAK,

       Appellee.

                             /

## **ORDER**[1]

This matter comes before the Court on Appellant Steven R. Yormak's Emergency

Motion to Stay Bankruptcy Proceedings Pending Appeal.  (Doc. 31).  Appellant is

appealing this Court decision to deny him an interlocutory appeal.  (Doc. 29; Doc. 30).

The above-captioned case closed upon the Court denying the interlocutory appeal – there

is no pending bankruptcy appeal.  What is more, even if the undersigned had authority to

stay the underlying bankruptcy proceedings pending the appeal, it would not exercise its

discretion to do so.  That authority and discretion lies best with the Honorable Caryl E.

Delano, the bankruptcy judge hearing the underlying matter.

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not affect the opinion of the Court.

Accordingly, it is now

**ORDERED:**

(1) Appellant Steven R. Yormak's Emergency Motion to Stay Bankruptcy

Proceedings Pending Appeal (Doc. 31) is **DENIED**.

(2) The Clerk of Court is **DIRECTED** to close the file.

**DONE** and **ORDERED** in Fort Myers, Florida this 20th day of July, 2017.

SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies:      The Honorable Caryl E. Delano
             All Parties of Record