

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

CAROLYN J. THOMAS,

*

Appellant,

*

vs.

*

CASE NO. 4:09-CV-114 (CDL)

US BANK NA,

*

Appellee.

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O R D E R

On October 8, 2009, *pro se* Appellant Carolyn J. Thomas filed a Notice of Appeal from a bankruptcy court decision with this Court. (Notice of Appeal, Oct. 8, 2009.) In her notice, Appellant stated that she was "disattieied [sic] with the Judgement [sic]/Final Order issued by the Honorable Judge John T. Laney, III on September 10, 2009 nad [sic] appeal[s] such Order/Judgement [sic] to the United States District Court." (*Id.*) Appellant did not file a Statement of Issues or a Designation of Items.¹ On the same day, Appellant was notified of the briefing schedule by the Court via letter. (Letter Regarding Briefing Sched., Oct. 8, 2009 ("The above-captioned Bankruptcy Appeal and Record on Appeal was docketed by this office on October 8, 2009. Appellant shall serve and file its brief

¹Federal Rule of Bankruptcy Procedure 8006 provides in relevant part:

Within 10 days after filing the notice of appeal as provided by [Federal Rule of Bankruptcy Procedure] 8001(a), . . . the appellant shall file with the clerk and serve on the appellee a designation of the items to be included in the record on appeal and a statement of the issues to be presented.

within 15 days after entry of the appeal on the docket")
See Fed. R. Bankr. P. 8009(a). As of today's date, Appellant has not
filed her brief with this Court.

Under Federal Rule of Bankruptcy Procedure 8001(a), "[a]n
appellant's failure to take any step other than timely filing a
notice of appeal does not affect the validity of the appeal, but is
ground only for such action as the district court . . . deems
appropriate, which may include dismissal of the appeal." Here,
Appellant has taken *no* steps to pursue her appeal beyond the mere
filing of her notice of appeal. Appellant has failed to file a
Statement of Issues or a Designation of Items with this Court.
Furthermore, although she was notified of the briefing schedule via
letter, Appellant has not filed her brief.

Accordingly, Appellant shall file her Statement of Issues,
Designation of Items, and Brief within fourteen days of the date of
today's Order. If she fails to do so, her appeal shall be dismissed.

IT IS SO ORDERED, this 12th day of November, 2009.

S/Clay D. Land
CLAY D. LAND
UNITED STATES DISTRICT JUDGE