

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

**On Request for Interlocutory Appeal from the
United States Bankruptcy Court
for the Middle District of Georgia
Macon Division**

5:06-CV-357 (WDO)

**THE CITIZENS BANK OF COCHRAN
and
HERBERT DAVIS,**

Appellants

v.

ARTHUR HOWARD,

Debtor-Appellee

OWENS, J.

This matter is before the court on Appellants' motion for leave to appeal an interlocutory order entered by the Bankruptcy Court. Courts should only grant a leave to appeal an interlocutory order that involves a controlling question of law as to which there is substantial ground for difference of opinion. The appellant must also show that an immediate appeal from the order may materially advance the

ultimate termination of the litigation. 28 U.S.C.A. § 1292(b). Having received no response from the Debtor-Appellee and it being clear that said response is necessary before the Court can make the aforementioned determinations, Debtor-Appellee Arthur Howard is HEREBY ORDERED to respond to the Appellants' Motion for Leave to Appeal Interlocutory Order by no later than Monday, November 20, 2006.

SO ORDERED this 17th day of October 2006.

**S/
WILBUR D. OWENS, JR.
UNITED STATES DISTRICT JUDGE**