

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**IN RE:
SAMUEL L. DANIELS, and
BETTER QUALITY HOMES, INC.,**

**SAMUEL L. DANIELS, BETTER
QUALITY HOMES, INC. and M.
EUGENE GIBBS,**

1:12-cv-4181-WSD

Appellants,

v.

**GUY G. GEBHARDT,
United States Trustee, Region 21,**

Appellee.

OPINION AND ORDER

This matter is before the Court on M. Eugene Gibbs (“Gibbs”) and Samuel L. Daniels’s (“Daniels”) motions to stay the Court’s order pending appeal (“Motions”) [19, 20].¹

On October 31, 2012, Gibbs, Daniels, and Better Quality Homes, Inc. (collectively, “Appellants”) filed a notice [1] appealing (1) “the [bankruptcy court’s] September 25, 2012, order appointing Mr. Anderson as [t]rustee,” and (2)

¹ Both Gibbs and Daniels filed separate, yet identical, motions.

“the order affirming said appointment, after a hearing noting DIP’s objections, held on or about the 19th day of October 2012.” (Notice of Appeal at ¶¶ 2-3). On May 16, 2013, the Court dismissed the appeal [13].²

On February 20, 2014, Gibbs filed his Motion to Stay Court’s Order Pending Appeal [19]. On February 21, 2014, Daniels filed the identical motion [20]. At that time, no appeal was pending.

On April 4, 2014, Appellants filed a Notice of Appeal [21]. On April 15, 2014, Appellants filed an Amended Joint Notice of Appeal [23].³

On July 9, 2014, the Eleventh Circuit dismissed the appeal for want of prosecution, rendering the Motions moot.

For the foregoing reasons,

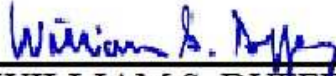
IT IS HEREBY ORDERED that M. Eugene Gibbs’s Motion to Stay Court’s Order Pending Appeal [19] is **DENIED**.

IT IS FURTHER ORDERED that Samuel L. Daniels’s Motion to Stay Court’s Order Pending Appeal [20] is **DENIED**

² The Court’s May 16, 2013, Order set forth this case’s factual and procedural background as well as the Court’s legal analysis regarding the dismissal of Appellants’ appeal. Only pertinent facts and subsequent developments are referenced herein.

³ Eleventh Circuit Case No. 14-11503.

SO ORDERED this 11th day of July, 2014.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE