

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

ROBERT LEE NORFLEET, Sr.,	*	
	*	
Appellant,	*	
	*	
v.	*	CV 118-015
	*	(Bankr. Case No. 17-11945)
FULCHER EXCHANGE, LLC,	*	
	*	
Appellee.	*	

O R D E R

On January 22, 2018, this Court received notice that Appellant had filed a notice of appeal with regards to an Order issued by the United States Bankruptcy Court for the Southern District of Georgia in the matter of In re Robert Lee Norfleet, Sr., Case No. 17-11945 (Bankr. S.D. Ga. dismissed Jan. 25, 2018) (the "Bankruptcy Action"). (Doc. 1.) Contemporaneously therewith, this Court received notice that Appellant had failed to pay the relevant appeal filing fee to the Clerk of the Bankruptcy Court. (See Doc. 1-5.) Appellant subsequently paid the appeal filing fee to the Clerk of the Bankruptcy Court on or about January 25, 2018. (See Doc. 2-1, at 7-8.)

On February 22, 2018, both the Clerk of the Bankruptcy Court and the Clerk of this Court docketed notice - and provided notice to Appellant via U.S. mail - that the record on Appeal

had been transmitted to this Court. (See Doc. 2; Bankruptcy Action, Docs. 37, 38.) Appellant's initial brief in this matter would therefore otherwise be due on or before Monday, March 26, 2018. See FED. R. BANKR. P. 8018(a)(1). Appellant, however, has failed to take other steps necessary to prosecute this appeal. Most notably, Appellant failed to: (i) file a designation of the items to be included in the record on appeal and a statement of the issues to be presented on appeal as required by Federal Rule of Bankruptcy Procedure 8009(a)(1); and (ii) order in writing a transcript of the relevant proceedings from the Bankruptcy Court's reporter and file a copy of such written order with the Clerk of the Bankruptcy Court (or file therewith a certificate stating that Appellant is not ordering a transcript) as required by Federal Rule of Bankruptcy Procedure 8009(b)(1).¹ (See Doc. 2; see also Doc. 2-1.) As a result of these failures, a courtesy notice regarding the briefing deadlines in this matter was not generated. Accordingly, out of an abundance of caution, the Court will extend the aforementioned deadline for Appellant

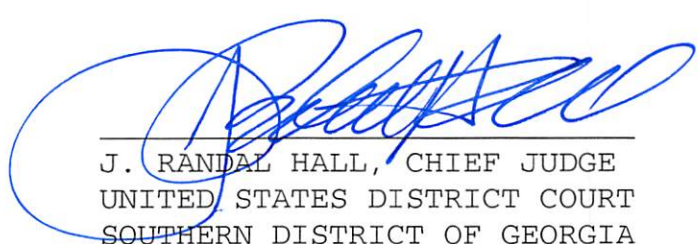
¹ On January 19, 2018, the Clerk of the Bankruptcy Court provided notice to Appellant regarding his obligations to: (i) "file a Designation of Items to be included in the record on appeal and a Statement of Issues to be presented"; and (ii) "file a written request for the transcript [of relevant proceedings] and make satisfactory arrangements for payment of its cost" or, "if no transcript is to be included, . . . file a certificate stating that no transcript is being ordered." (Doc. 1-3.) Notably, the Order appealed from was based, at least in part, upon a hearing held by the Bankruptcy Court on January 17, 2019. (See Doc. 1-1 (notice of appeal); Doc. 1-2 (Bankruptcy Court's Order dated January 19, 2018 noting it is based in part "on the record at the hearing held January 17, 2018"); see also Doc. 2-1, at 6 (identifying hearing held on January 17, 2018).)

to file his initial brief. Appellant should be aware, however, that the Court intends to proceed toward the resolution of this matter in an expeditious fashion and therefore he should not assume, expect, or anticipate the granting of any further extensions regarding the deadline to file his initial brief without a showing of utter due diligence, independent and unforeseeable causes, and manifest injustice.

Therefore, upon the foregoing and due consideration, **IT IS HEREBY ORDERED** that Appellant **SHALL** file his initial brief **on or before the close of business on Monday, April 9, 2018.**

Plaintiff's failure to timely file his forthcoming initial appeal brief will be considered a showing of bad faith, negligence, and/or indifference and may result in the dismissal of this appeal with prejudice without further notice.

ORDER ENTERED at Augusta, Georgia, this 23rd day of March, 2018.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA