

ORIGINAL

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

2014 DEC -9 AM 9:47

CLERK *J. Harrell*
SO. DIST. OF GA.

IN RE: PARADISE FARMS, INC., *
Debtor. * Case No. 314-048
* (Bankr. Case No. 12-30111)

O R D E R

On April 25, 2014, Mr. Lister W. Harrell, filed a notice of appeal in the United States Bankruptcy Court in a Chapter 11 proceeding pertaining to the debtor, Paradise Farms, Inc.¹ (See Bankr. Case No. 12-30111 (S.D. Ga. Mar. 29, 2012).) Mr. Harrell is the president of the debtor. (Bankr. Doc. No. 1, at 3.)

On April 24, 2014, the Bankruptcy Court entered an Order denying Mr. Harrell's motions to release funds and assets and his motions for appointment of counsel. (Bankr. Doc. No. 224.) Mr. Harrell's appeal from this Order, dated April 25, 2014, was deficient in several respects, particularly in its failure to substantially conform to the appropriate Official Form for a notice of appeal and in the failure to pay the \$298.00 filing fee. (See Bankr. Doc. No. 229.) Mr. Harrell was given seven days to cure the noted deficiencies. Mr. Harrell thereafter

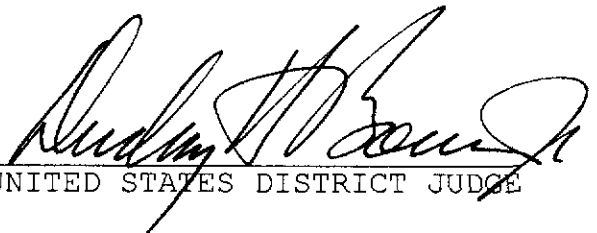
¹ The case was converted to a Chapter 7 case on March 27, 2013.

filed two documents related to his appeal in the Bankruptcy Court, but the documents failed to intelligibly designate contents for inclusion in the record on appeal or state the issues to be presented on appeal as required by Federal Rule of Bankruptcy Procedure 8006. (See Bankr. Doc. Nos. 242 & 247.) On June 2, 2014, the appeal was docketed in this district court. Mr. Harrell had not paid the filing fee.

This Court informed Mr. Harrell that his appellant's brief was due by June 19, 2014. Mr. Harrell did not file a brief; indeed, he has never filed anything with this Court in the six months the appeal has been pending.

The Court readily concludes that Mr. Harrell has not diligently prosecuted this appeal. He has not complied with procedural rules and has not paid the required filing fee. Accordingly, maintenance of this matter is not warranted. **IT IS ORDERED** that the appeal be **DISMISSED** for failure to prosecute.

ORDER ENTERED at Augusta, Georgia, this 9th day of December, 2014.


UNITED STATES DISTRICT JUDGE