

ORIGINAL

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

FILED
U.S. DISTRICT COURT
AUGUSTA, GA.
2014 DEC -9 A 10:04

IN RE: PARADISE FARMS, INC., *
Debtor. * Case No. 314-89
* (Bankr. Case No. 12-30111)

CLERK *f. Stone*
S.D. DIST. OF GA.

ORDER

On July 16, 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 June 27, 2014, the Bankruptcy Court entered an Order denying Mr. Harrell's motion to continue a hearing. (Bankr. Doc. No. 281.) On July 2, 2014, the Bankruptcy Court entered an Order granting the Trustee's motion to sell certain personal property and an Order granting compensation to the Trustee. (Bankr. Doc. Nos. 284 & 285.) Mr. Harrell's appeal from these Orders, dated July 16, 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

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

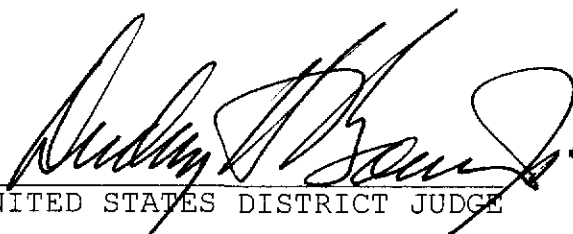
failure to pay the \$298.00 filing fee. (See Bankr. Doc. No. 289.) Mr. Harrell was given seven days to cure the noted deficiencies. (Id.) He failed to do so.

On August 21, 2014, Mr. Harrell's appeal was docketed in this district court. However, Mr. Harrell had not filed a designation of contents for inclusion in the record on appeal or a statement of the issues to be presented on appeal. See Fed. R. Bankr. P. 8006. Also, Mr. Harrell had not paid the filing fee.

This Court informed Mr. Harrell that his appellant's brief was due by September 8, 2014. Mr. Harrell did not file a brief; indeed, he has never filed anything with this Court in the over three months the appeal has been pending.

The Court readily concludes that Mr. Harrell has not diligently prosecuted this appeal. He has not complied with the 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