

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

FILED
U.S. DISTRICT COURT
SAVANNAH, GA.
2014 DEC 29 PM 3:04

TRACEY W. PIGNONE,

Appellant,

v.

O. BYRON MEREDITH, III,

Appellee.

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CASE NO. CV414-032

CLERK
SO. DIST. OF GA.


O R D E R

Before the Court is Appellant's Notice of Appeal, which was filed on February 3, 2014 in United States Bankruptcy Court for the Southern District of Georgia, Savannah Division. (Doc. 1 at 101.) This appeal was docketed in the United States District Court for the Southern District of Georgia, Savannah Division on February 21, 2014. Appellant was required to file her brief in this Court within fourteen days after that date. Fed. R. Bankr. P. 8009(a)(1). However, a review of the docket in this matter indicates that a brief has never been filed. Indeed, the only activity in this case has been by the bankruptcy court and includes compiling the record and an order discussed below.

Another bankruptcy rule provides, in part, that "[a]n appellant's failure to take any step other than timely filing a notice of appeal does not affect the validity of the appeal, but is ground only for such action as the district court . . . deems appropriate, which may include dismissal of the appeal." Fed.

R. Bankr. P. 8001(a). The Court finds that nearly ten months have passed since Appellant's brief was first due. "[W]here, as here, the appellant had more than ample time to comply with the rules, failure to do so weighs more heavily in favor of dismissal." Taylor v. Adams, 2008 WL 4441964, at *5-*6 (E.D. Tex. Sept. 25, 2008) (unpublished) (dismissing bankruptcy appeal where deadline to file a brief was November 12, 2007 and appellee first filed a motion to dismiss for failure to file a brief on December 12, 2007). Accordingly, this appeal is **DISMISSED** for failure to timely file a brief. The Clerk of Court is **DIRECTED** to close this case.

SO ORDERED this 29th day of December 2014.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA