

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION

IN RE: SARA JONES RICKS

v. 6:13-CV-84

**ORDER**

Before the Court is Sara Jones Ricks's Notice of Re-Appeal. ECF No. 8. Ricks appeals from the judgment of an order of the Bankruptcy Judge. ECF No. 2-1. She initially appealed on August 10, 2013, ECF No. 2, but that appeal was dismissed without prejudice for failure to prosecute, ECF No. 6.


Bankruptcy Rule 8002(a) states that a party who wishes to appeal an order to the district court must do so "within 14 days of the date of the entry of the judgment, order, or decree appealed from." Fed. R. Bankr. P. 8002(a). A late notice of appeal is of no use, since "[d]istrict courts lack jurisdiction to hear untimely appeals from bankruptcy court orders." *In re Cabot*, 537 F. App'x 891, 894 (11th Cir. 2013) (citing *In re Williams*, 216 F.3d 1295, 1298 (11th Cir. 2000)).

Courts may permit appellants to file up to twenty-one days late "upon a showing of excusable neglect." Fed. R. Bankr. P. 8002(c)(2). The appellant must demonstrate excusable neglect, however, and a notice of appeal is insufficient to do so. *See In re Williams*, 216 F.3d at 1297-98 (holding that a late notice of appeal cannot be construed as a motion for extension of time due to excusable neglect).

The Bankruptcy Judge's Order was entered on July 15, 2013. ECF No. 2-1 at 8. Ricks's first appeal was filed August 10, 2013—more than fourteen days after the entry of the order she appealed from. *See* ECF No. 2. In addition, after the dismissal of her first appeal on March 19, 2014, more than three months passed before Ricks filed her "re-appeal" on July 7, 2014. *See* ECF No. 8. At no point did Ricks file a motion purporting to show excusable neglect.

Because no timely notice of appeal was filed, the Court lacks jurisdiction to hear this case. Therefore, the Court **DISMISSES** Ricks's appeal. The Court also **DISMISSES** the bankruptcy trustee's Motion to Dismiss, ECF No. 9, as moot.

This 4 day of November 2014.

  
B. AVANT EDENFIELD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA