

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

LEONARD G. HOROWITZ,

Appellant,

vs.

PAUL J. SULLA, Jr., et al.,

Appellees.

CV. NO. 17-00197 DKW-RLP

Bankr. No. 16-00239

ORDER DISMISSING CASE

On April 21, 2017, Appellant Leonard G. Horowitz, proceeding pro se, filed in United States Bankruptcy Court, District of Hawaii: (1) a Notice of Appeal and Statement of Election, and (2) an Application To Proceed In District Court Without Prepaying Fees Or Costs, seeking to proceed *in forma pauperis* on appeal (“IFP Application”). On May 4, 2017, the Court denied the IFP Application and directed Horowitz to pay the applicable filing fee by June 14, 2017. Dkt. No. 4 (5/4/2017 Order). The May 4, 2017 Order cautioned Horowitz as follows:

If Horowitz wishes to proceed with this appeal, he must remit the appropriate filing fee by **June 14, 2017**. Failure to do so will result in the automatic dismissal of this action.

5/4/2017 Order at 4.

On June 15, 2017, the Bankruptcy Court transmitted a Notice of Failure to Pay Filing Fee, notifying this Court that “appellant has not paid the filing fee as of the date of this notice, making the appeal ripe for dismissal.” Dkt. No. 5 (6/15/17 Notice). Despite the Court’s prior warning, Horowitz did not pay the applicable filing fee by June 14, 2017. Dismissal of this appeal without prejudice is therefore appropriate. *See In re Perroton*, 958 F.2d 889, 890 (9th Cir. 1992) (affirming dismissal of pro se litigant’s appeal to the Bankruptcy Appellate Panel for failure to pay required filing fee).

Because Horowitz has not paid the proper filing fee, the Court **DISMISSES** this action without prejudice. The Clerk’s Office is directed to close the case.

IT IS SO ORDERED.

DATED: June 19, 2017 at Honolulu, Hawai‘i.



/s/ Derrick K. Watson
Derrick K. Watson
United States District Judge

*Horowitz v. Sull*a; CV 17-00197 DKW-RLP; **ORDER DISMISSING CASE**