

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS  
PEORIA DIVISION**

DEBORAH A MACMILLAN,	)	
	)	
Appellant,	)	
	)	
v.	)	Case No. 1:17-cv-01193-JBM
	)	
U.S. TRUSTEE, Office of Nancy J.	)	
Gargula,	)	
	)	
Appellee.	)	

**ORDER & OPINION**

The matter before the Court is Appellant Deborah MacMillan’s appeal from the dismissal her bankruptcy proceedings in *In re MacMillan*, No. 17-bk-80565 (Bankr. C.D. Ill. 2017) pursuant to 28 U.S.C. § 158.

On April 19, 2017, Appellant filed a Chapter 13 Voluntary Petition in the Central District of Illinois United States Bankruptcy Court. *See In re MacMillan*, No. 17-bk-80565 (Bankr. C.D. Ill. Apr. 19, 2017). On April 27, 2017, the Bankruptcy Court issued two orders. One order struck Appellant’s Debtor’s Initial Statement About an Eviction (Form 101A) and Statement About Payment of Eviction Judgment (Form 101B). The other order dismissed Appellant’s Chapter 13 bankruptcy case. (Doc. 2 at 17-18).

On May 1, 2017, Appellant filed a “Notice of Appeal on Dismissal of Case and the Striking of Form 101A and Form 101B.” (Doc. 1 at 1). However, since May 1, 2017, Appellant has taken no further action in this appeal despite the several of the Federal Rules of Bankruptcy Procedure, which require Appellant to act within a certain

amount of time after filing appeal. *See, e.g.*, Fed. R. Bank. P. 8014 (requiring appellant to serve and file a brief within 30 days after the docketing of the notice that the record has been transmitted or is available electronically<sup>1</sup>).

On August 2, 2017, the Court issued Appellant an order to show cause as to why no action has been taken in the three months the bankruptcy appeal has been pending. *See* August 2, 2017 Text Order. The Court gave Appellant seven days to show cause as to why this appeal should not be dismissed for failure to prosecute pursuant to Federal Rule of Bankruptcy Procedure 8003 and Federal Rule of Civil Procedure 41(b).

It is now August 11, 2017, and Appellant has not responded to the Court's Order to Show Cause. Appellant has also not taken any steps to progress her appeal.

IT IS THEREFORE ORDERED that Appellant's appeal is DISMISSED pursuant to Federal Rule of Bankruptcy Procedure 8003 and Federal Rule of Civil Procedure 41(b) for failure to prosecute. The Clerk is directed to enter a judgment dismissing the bankruptcy appeal of appellant, Deborah MacMillan, in case No. 17-bk-80565, instanter.

CASE TERMINATED.

Entered this \_\_11th\_\_ day of August, 2017.

s/ Joe B. McDade  
\_\_\_\_\_  
JOE BILLY McDADE  
United States Senior District Judge

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<sup>1</sup> On May 18, 2017, Notice that the record had been transmitted was docketed. (Doc. 2). On May 19, 2017, the Clerk mailed Appellant a copy of that notice.