

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

IN RE:

KIM DOWNS,

Debtor.

KIM DOWNS,

Appellant,

v.

FEDERAL NATIONAL MORTGAGE  
ASSOCIATION,

Appellee.

Case No. 14-cv-3-JPG-PMF

**MEMORANDUM AND ORDER**

This matter comes before the Court for case management purposes. Debtor Kim Downs filed this appeal of a bankruptcy case. Downs filed a voluntary Chapter 13 bankruptcy case in the U.S. Bankruptcy Court for the Southern District of Illinois, Petition No. 13-31457-lkg. Downs appeals the Bankruptcy Court's November 26, 2013, decision not to reconsider its October 8, 2013, order finding that, pursuant to 11 U.S.C. § 362(c)(3), the automatic stay was no longer in effect in the proceeding. In this Court, Downs filed a motion for leave to proceed *in forma pauperis* (Doc. 2) and a "Request for *De Novo* Review of the Bankruptcy Judge's Order" (Doc. 4).

In the meantime, on January 14, 2014, the Bankruptcy Judge dismissed Downs' petition for failure to file an amended plan as ordered by the Bankruptcy Court (Doc. 5), and Downs did not move to reinstate the case within the time allowed by the Bankruptcy Court. Then on January 31, 2014, in the District Court, she filed a motion for reconsideration asking the Bankruptcy Court to revisit its decision to dismiss her petition (Doc. 6). Several days later, Downs filed in the District Court a "Notice of Appeal" of the Bankruptcy Court's January 14, 2014, order of dismissal.

The Court is puzzled as to the status of this case, specifically, the impact on this appeal of the January 14, 2014, dismissal of Downs' petition for bankruptcy, the impact of Downs' January 31, 2014, "Notice of Appeal" filed in the District Court, the merits of Downs' first appeal, and how this case should proceed from here. The Court therefore **ORDERS** each party to file on or before September 26, 2014, a status report addressing these issues and any other issues deemed pertinent to this case. The parties shall have up to and including October 10, 2014, to respond or object to any other party's status report.

The Court further **DENIES without prejudice** Downs' motion to waive the \$298.00 appeal filing fee (Doc. 2) because it is unsupported by the affidavit required by 28 U.S.C. § 1915(a). Downs may reapply for permission to proceed *in forma pauperis* with the required supporting affidavit, and the Clerk of Court is **DIRECTED** to send Downs a copy of the form Motion and Affidavit to Proceed in District Court Without Prepaying Fees or Costs adopted by this Court.

**IT IS SO ORDERED.**  
**DATED: August 29, 2014**

s/J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**