

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

ARLENE A. SMITH-SCOTT,	*											
Appellant,	*											
v.	*											
	Civil Action No. RDB-17-1780											
	Bankruptcy No. 14-25022											
GEORGE W. LIEBMANN, TRUSTEE,	*											
Appellee.	*											
*	*	*	*	*	*	*	*	*	*	*	*	*

MEMORANDUM ORDER

Debtor Arlene A. Smith-Scott has noted an appeal from United States Bankruptcy Judge James F. Schneider's June 11, 2017 Order Approving Trustee's Motion for Sale of 367-371 Main Street, Laurel, Free and Clear of Liens and Encumbrances. (ECF No. 1-1, B.R. Doc. 466.) Currently pending before this Court is Appellee George W. Liebmann, Chapter 7 Trustee's Motion to Dismiss Appeal ("Appellee's Motion"). (ECF No. 3.) Appellee asserts, *inter alia*, that Smith-Scott's appeal was not timely filed, thereby depriving this Court of jurisdiction over the appeal. No hearing is necessary. *See* Fed. R. Bankr. P. 8019(b)(3); Local Rule 105.6 (D. Md. 2016). For the reasons stated below, Appellee's Motion to Dismiss (ECF No. 3) is GRANTED.

Judge Schneider's Order was entered on Sunday, June 11, 2016. (ECF No. 1-1, B.R. Doc. 466.) Under Federal Rule of Bankruptcy Procedure 8002, appellant was required to file her notice of appeal within fourteen (14) days after entry of Judge Schneider's Order. Fed. R. Bankr. P. 8002. As the fourteenth day fell on Sunday, June 25, 2017, plaintiff was required to note her appeal by Monday, June 26, 2017. The Notice of Appeal in this matter,

however, was not filed until Tuesday, June 27, 2017. (ECF No. 1, B.R. Doc. 471.) It is well established that “the timely filing of a notice of appeal in a civil case is a jurisdictional requirement.” *In re Hamid*, 577 F. App’x 208 (4th Cir. 2014). *See* Fed. R. Bankr. P. 8002; *Bowles v. Russell*, 551 U.S. 205, 214, 127 S.Ct. 2360 (2007). Thus, as plaintiff failed to timely note her appeal, this Court is without jurisdiction over her appeal, and it must be DISMISSED. Accordingly, Appellee’s Motion (ECF No. 3) is GRANTED.

This Court further notes that appellant has failed to timely file a designation of the items to be included in the record on appeal and a statement of the issues to be presented. *See* Fed. R. Bankr. P. 8009. In addition, this Court notes that appellant’s time to file a response to Appellee’s Motion expired on August 1, 2017 and that appellant has not filed any response. Accordingly, the Motion to Dismiss would also be granted as unopposed.

There is no basis on which Smith-Scott’s failure to timely note her appeal, failure to timely designate the items to be included in the appellate record, and failure to timely respond to Appellee’s Motion could be excused. To the contrary, given the series of appeals which she has taken before this Court and before the United States Court of Appeals for the Fourth Circuit, Smith-Scott is fully familiar with the procedural and administrative rules which all litigants must follow. *See Smith-Scott v. Patapsco Bank*, **RDB-15-1013**, 2015 WL 5921028 (D. Md. Oct. 8, 2015); *Smith-Scott v. Liebmann*, **RDB-15-3637**, 2016 WL 1084127 (D. Md. Mar. 18, 2016); *Smith-Scott v. Howard Bank*, **RDB-15-3423**, 2016 WL 1077126 (D. Md. Mar. 18, 2016), *aff’d in part, appeal dismissed in part sub nom. Smith-Scott v. Howard Bank*, No. 16-1325, 2016 WL 4174380 (4th Cir. Aug. 8, 2016); *Smith-Scott v. Liebmann*, **RDB-16-1572**, 2016 WL 5091001 (D. Md. Sept. 20, 2016). *See also Smith-Scott v. Liebmann*, **GLR-16-2658**, ECF

No. 9 (Dec. 27, 2016); *Smith-Scott v. Liebmann*, **GLR-16-3074**, ECF No. 9 (Aug. 15, 2017);

Smith-Scott v. Liebmann, **GLR-16-2770**; *Smith-Scott v. U.S. Trustee*, **ELH-17-267**.

For the foregoing reasons, it is this 22nd day of August, 2017, hereby ORDERED that:

1. Appellee George W. Liebmann, Trustee's Motion to Dismiss Appeal (ECF No. 3) is GRANTED;
2. This case is DISMISSED;
3. The Clerk of the Court SHALL TRANSMIT copies of this Order to the parties and to Bankruptcy Judge Michelle Harner; and
4. The Clerk of the Court SHALL CLOSE this case.

/s/
Richard D. Bennett
United States District Judge