

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

DOUGLAS N. GOTTRON

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Appellant

\*

vs.

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CIVIL ACTION NO. MJG-12-2427

ONEWEST BANK, F.S.B.

\*

Appellee

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DECISION ON APPEAL

The Court has before it Appellant Douglas N. Gottron's appeal of a final order in which the United States Bankruptcy Court for the District of Maryland (Catliota, J.) and the materials submitted relating thereto. The Court finds no need for a hearing.

Appellant appeals from the Bankruptcy Judge's Order Denying Debtor's Motion to Extend Time for Filing Notice of Appeal [Document 1-27]. As stated therein, together with a discussion of the pertinent rules and legal standards, the Bankruptcy Judge found that "the Debtor's failure to timely file the notice of appeal was due to neglect," and "the neglect is not excusable." Id. at 4.

When a District Court reviews a Bankruptcy Judge's final order, the District Court acts as an appellate court. "Findings of fact by the bankruptcy court in proceedings within its full

jurisdiction are reviewable only for clear error and legal questions are subject to de novo review." In re Johnson, 960 F.2d 396, 399 (4th Cir. 1992).

The Order at issue is based upon a correct statement of the pertinent legal principles and the Bankruptcy Judge's findings of fact. As explained in the Order, the most important of the factors identified in Pioneer is the third factor or reason for the delay. See Thompson v. E.I. DuPont de Nemours & Co., Inc., 76 F.3d 530, 534 (4th Cir. 1996). Appellant seeks to have this Court consider the same factual dispute that was before the Bankruptcy Judge. The Court has done so and does not find that the Bankruptcy Judge committed clear error or, indeed, that the Bankruptcy Judge committed error at all.

For the foregoing reasons, the Bankruptcy Judge's Order Denying Debtor's Motion to Extend Time for Filing Notice of Appeal [Document 1-27] shall be AFFIRMED.

SO DECIDED, on Monday, November 26, 2012.

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/s/ \_\_\_\_\_  
Marvin J. Garbis  
United States District Judge