

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARYANNE WEST,

Appellant,

v.

WELLS FARGO,

Appellee,

JOHN FITZGERALD,

Trustee.

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Civil Action No. 17-cv-11714-ADB

ORDER

BURROUGHS, D.J.

On August 24, 2017, the Bankruptcy Court denied Appellant’s motion to extend the automatic stay. Appellant appearing *pro se* filed a timely notice of appeal with the district court on September 7, 2017. [ECF No. 1]. Appellant appears to have filed an amended notice of appeal on September 8, 2017, although her amended notice has not been transmitted to the District Court. In re West, No. 17-bk-12755, ECF No. 39 (Bankr. D. Mass. Sept. 8, 2017). Upon receipt of the Appellant’s initial notice of appeal, the Bankruptcy Court entered the following deadlines: Appellant’s designation due by September 21, 2017; compiled records due by October 5, 2017; and transmission of designation due by October 9, 2017.

On October 19, 2017, the Bankruptcy Court filed the following Certificate of Default:

On September 7, 2017, an appeal was filed by Maryanne West, appellant in the above referenced case. In accordance with Fed. R. Bankr. P. 8006, the appellant was to file with the clerk and serve on the appellee a Designation of the Items to be included in the record on appeal and a Statement of the Issues to be presented on appeal; those documents are to be filed within fourteen days of the Appeal. As

provided by Rule 8001(a), “[f]ailure of an appellant to take any step other than the timely filing of a notice of appeal does not affect the validity of the appeal, but is ground only for such action as the . . . bankruptcy appellate panel deems appropriate, which may include dismissal of the appeal.” It is hereby certified to the United States District Court by the United States Bankruptcy Court for the District of Massachusetts that the appellant has not filed the Designation of Items and Statement of Issues of this date.

[ECF No. 4]. To date, Appellant has not filed a Designation of Items or a Statement of Issues with regard to either her initial or amended notices of appeal, and Appellant has not otherwise demonstrated her intention to prosecute this case. Accordingly, by April 17, 2018, Appellant shall file (with both the Bankruptcy Court and the District Court) her designation of items to be included in the record on appeal and a statement of issues to be presented on appeal. Failure to comply with this Order may result in DISMISSAL of this appeal.

SO ORDERED.

April 3, 2018

/s/ Allison D. Burroughs
ALLISON D. BURROUGHS
U.S. DISTRICT JUDGE