

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

THEODORE LEE HAMPTON,

Debtor,

_____ /

JAMES EDWARD SCHMIDT,

Appellant,

v.

THEODORE LEE HAMPTON,

Appellee.

_____ /

CIVIL CASE NO. 10-11236
HON. MARIANNE O. BATTANI

ORDER OF DISMISSAL

On March 29, 2010, James E. Schmidt filed this bankruptcy appeal. The matter was reassigned to the undersigned Judge on April 5, 2010. See Doc. No. 2. Because the record showed no further activity in this case, in accordance with Bankruptcy Rule 8006, which requires the appellant to file a designation of

items to be included in the record on appeal and a statement of the issues to be presented on appeal within ten days, the Court ordered Schmidt to show cause, in a writing not to exceed ten pages, why this matter should not be dismissed for lack of prosecution. See E. D. Mich. LR 41.2. Appellant has failed to comply with the Court's order to show cause.¹ Now, therefore,

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Although Schmidt failed to designate the bankruptcy appeal record and failed to file a statement of the issues to be presented on appeal, he did file a Writ of Mandamus, asking the U.S. Attorney to initiate a criminal investigation or prosecution against Acacia Nicole Cavness. A bankruptcy appeal is not the proper vehicle for bringing such a writ of mandamus.

IT IS HEREBY ORDERED that this bankruptcy appeal is DISMISSED.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATED: June 24, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served upon counsel of record on this date by ordinary mail and electronic filing.

s/Bernadette M. Thebolt
CASE MANAGER