

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JACQUELINE WELCH,

Bankruptcy Case No. 12-42708-WSD

Appellant,

Civil Case No. 2:14-cv-10783-PJD-MJH

v.

Honorable Patrick J. Duggan

JOSEPH GRIMA,

Appellee.

ORDER

Appellant Jacqueline Welch filed a Notice of Appeal on February 20, 2014 challenging United States Bankruptcy Judge Walter Shapero's decision granting post-confirmation attorney fees to Appellee Joseph Grima, Appellant's former attorney. Prior to the transmittal of the underlying action to this Court, Appellant filed two separate motions in the bankruptcy court regarding the appellate filing fee, including (1) a motion to proceed in the district court without prepaying fees and costs and (2) a motion to allow the appeal fee to be paid in installments. Judge Shapero found Appellant financially capable of paying the appellate filing fee and ordered that it be paid on or before February 12, 2014. (1/14/14 Order, ECF No. 1 Pg ID 64 (“[T]he Court further orders that if Debtor desires to pursue said appeal, Debtor shall pay the said fees. . . .”).) On the basis of this finding, Judge Shapero denied both fee-related motions.

In the Notice of Transmittal of Complete Record Regarding Notice of Appeal, the clerk of the bankruptcy court noted that Appellant had not paid the filing fee. (2/19/14 Notice, ECF No. 1 Pg ID 1.) As of the date of this Order, the filing fee has yet to be paid.

Federal Rule of Bankruptcy Procedure 8001(a) provides that “[a]n appellant’s failure to take any step other than timely filing of a notice of appeal . . . is ground only for such action as the district court . . . deems appropriate, which may include *dismissal of the appeal.*” Fed. R. Bankr. P. 8001(a) (emphasis added). Judge Shapero’s Order clearly provides that Appellant’s appeal was conditioned upon the payment of the appellate filing fee. (1/14/14 Order, ECF No. 1 Pg ID 64.) No appellate filing fee has been paid and this Court will not permit Appellant to flout the orders of the bankruptcy court. Because Appellant failed to take the appropriate steps to perfect her appeal, her appeal is subject to dismissal pursuant to Bankruptcy Rule 8001(a), as well as Eastern District of Michigan Local Rule 41.2, which provides that “when . . . the parties have taken no action for a reasonable time, the court may, on its own motion after reasonable notice or on application of a party, enter an order dismissing or remanding the case unless good cause is shown.” E.D. Mich. L.R. 41.2.

This Order, as well as Judge Shapero's January 14, 2014 Order, serve as reasonable notice apprising Appellate that the failure to pay the appellate filing fee will result in the dismissal of her appeal.

Accordingly,

IT IS ORDERED that Appellant Jacqueline Welch remit the \$293 appellate filing fee to the United States Bankruptcy Court for the Eastern District of Michigan within **FOURTEEN (14) DAYS** of receipt of this Order. If payment is not made, Appellant's appeal **WILL BE DISMISSED**.

Date:

PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

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Joseph L. Grima, Esq.