

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

JOHN LAIRD APPELLANT

VS. CIVIL ACTION NO. 5:16-cv-56(DCB)(MTP)

VALERIE DENISE NICKELSON APPELLEE

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IN RE: VALERIE DENISE NICKELSON, CASE NO. 15-01271-NPO  
DEBTOR CHAPTER 13

VALERIE DENISE NICKELSON PLAINTIFF

VS. ADV. PROC. NO. 15-00046-NPO

FRANKLIN CHECK SERVICE, LLC,  
and JOHN LAIRD DEFENDANTS

ORDER

This bankruptcy appeal is before the Court sua sponte to address the appellant John Laird's failure to file an appellate brief. The appellee previously filed a motion to dismiss based on the appellant's failure to file a timely brief. Instead of granting the motion, the Court granted the appellant additional time, until October 6, 2016, to file his brief. Forty-eight days have passed since the appellant's brief was originally due.

The Court now finds that the appeal should be dismissed for the appellant's failure to prosecute his appeal. See In re Salter, 251 B.R. 689, 692 (S.D. Miss. 2000). The United States Court of Appeals for the Fifth Circuit has affirmed dismissals of bankruptcy appeals when the appellant failed to file a brief within the

required initial period. See International Brotherhood of Teamsters v. Braniff Airways, Inc., 774 F.2d 1303 (5<sup>th</sup> Cir. 1985); Pyramid Mobile Homes, Inc. v. Speake, 531 F.2d 743 (5<sup>th</sup> Cir. 1976).

Accordingly,

IT IS HEREBY ORDERED that this bankruptcy appeal be dismissed with prejudice.

A Final Judgment in accordance with Rule 58 of the Federal Rules of Civil Procedure will be entered this day.

SO ORDERED, this the 26th day of October, 2016.

/s/ David Bramlette  
UNITED STATES DISTRICT JUDGE