

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|---------------------------|---|------------------------|
| In Re: |) | |
| PATRICIA ANN SEGRAVES, |) | |
| Debtor. |) | |
| _____ |) | |
| |) | |
| ALAN BOYD CURTIS, et al., |) | |
| |) | |
| Appellants, |) | |
| |) | |
| vs. |) | Case No. 4:15CV347 HEA |
| |) | |
| PATRICIA ANN SEGRAVES, |) | |
| |) | |
| Appellee. |) | |

MEMORANDUM AND ORDER

This matter is before the Court on Appellee’s Motion to Dismiss Motion for Leave of the Court to Appeal filed by Jeanine Saxton and Alan Boyd Curtis, [Doc. No. 6]. Appellants have failed to respond to the Motion. For the reasons set forth below, the Motion is granted.

Appellant is correct that the Motion for Leave to Appeal fails to identify the Orders of the Bankruptcy Court they are appealing. Moreover, at the time of the filing of the appeal, the adversary proceeding in which Appellants are parties are not completed and a final order had not been entered.

This Court’s jurisdiction is set in 28 U.S.C. § 158(a):

the district court shall have jurisdiction to hear appeals: (1) from final judgments, orders, and decrees; (2) from interlocutory orders and decrees issued under section 1121 increasing or reducing the time periods referred to in section 1121 of such title; and (3) with leave of the court, from other interlocutory orders and decrees:

and, with leave of the court, from interlocutory orders and decrees, of bankruptcy judges entered in cases and proceedings referred to the bankruptcy judges under section 157 of this title.

The Motion seeking leave to appeal fails to satisfy the requirements for filing an interlocutory appeal: Section 1292(b) of Title 28 requires that (1) the question involved be one of law; (2) the question be controlling; (3) there exists a substantial ground for difference of opinion respecting the correctness of the bankruptcy courts' decision; and (4) a finding that an immediate appeal would materially advance the ultimate termination of the litigation. Because Appellant has failed to set out the Order or Orders from which she appeals, it is impossible for this Court to ascertain whether it has jurisdiction.

Accordingly,

IT IS HEREBY ORDERED that Appellee's Motion to Dismiss, [Doc. No. 6], is granted, and this matter is dismissed.

Dated this 11th day of September, 2015.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE

