

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

FILED  
IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y.  
\* MAY 02 2016  
BROOKLYN OFFICE  
\* *pericy*  
*3/2/16*

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CHERYL N. STEWART, :

Plaintiff, :

-against- :

KONDAUR CAPITAL CORPORATION, et al., :

Defendants. :  
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MEMORANDUM & ORDER

15-cv-3206 (ENV)

VITALIANO, D.J.,

On June 1, 2015, Cheryl N. Stewart, appearing *pro se*, filed a notice of appeal following the April 30, 2015 dismissal by the bankruptcy court of an adversary proceeding, No. 14-1114, against Kondaur Capital Corporation, Select Portfolio Servicing Inc., North Shore Investors Realty Group, DLJ Mortgage Capital LLC, Option One Mortgage Corp., H&R Block Bank, PINC, LLC, GRP Loan LLC, Paragon Mortgage Bankers Corp., and The Margolin & Weinreb Law Group, LLP. ECF Dkt. No. 1. The dismissal was entered on the bankruptcy court's docket on May 5, 2015. *Id.* Stewart's appeal was not noticed until 27 days later. *Id.* Stewart has made no filings on her district court appeal following her notice of appeal, nor has she sought an extension of time to appeal due to "excusable neglect" pursuant to Fed. R. of Bankr. P. 8002(d)(1)(B).

Because Stewart failed to file her notice of appeal within the 14 days required by Fed. R. of Bankr. P. 8002(a)(1), this Court lacks jurisdiction to hear it. *In re Siemon*, 421 F.3d 167, 169 (2d Cir. 2005)("[T]he time limit contained in Rule 8002(a) is jurisdictional, and ... in the absence of a timely notice of appeal in the district court, the district court is without jurisdiction to consider the appeal."); *In re Indu Craft, Inc.*, 749 F.3d 107 (2d Cir. 2014) (holding that "time

*clm*

limits ... prescribed by statute for appeals to district courts acting as appellate courts over bankruptcy matters” are jurisdictional).

Stewart’s appeal is, therefore, dismissed with prejudice. The Clerk of Court is directed to enter judgment and to close this case.

So Ordered.

Dated: Brooklyn, New York  
February 22, 2016

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ERIC N. VITALIANO  
United States District Judge