

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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In Re:

Christopher J. Chadick

Appellant,

Civil Action No.: 5:10-CV-00009 NPM

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In Re:

Yvonne Terrell Dickson

Debtor.

Bankruptcy Case Number: 08-33071

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APPEARANCES:

Christopher J. Chadick, Appellant
620 Erie Boulevard West, Ste. 210
Syracuse, New York 13204

Guy A. Van Baalen, Trustee
Office of U. S. Trustee
10 Broad Street, Rm 105
Utica, NY 13501

NEAL P. MCCURN
SENIOR UNITED STATES DISTRICT JUDGE

MEMORANDUM-DECISION AND ORDER

On December 17, 2009, plaintiff, an attorney, filed a notice of appeal from an Order signed on December 8, 2009 by United States Bankruptcy Judge Margaret Cangilos-Ruiz in *In Re: Yvonne Terrell Dickson*, Bankruptcy Case Number: 08-33071. The Clerk of the Bankruptcy Court signed a Certification of Non-Compliance on January 4, 2010 stating that appellant failed to file a timely designation of the items to be included in the record on appeal and a statement of the issues to be presented, in accordance with Federal Rules of Bankruptcy Procedure 8006. On February 1, 2010, this Court issued an Order (Dkt. No. 2) dismissing the appeal unless, within thirty days of

the Order, appellant fully complied with the Bankruptcy Rules.

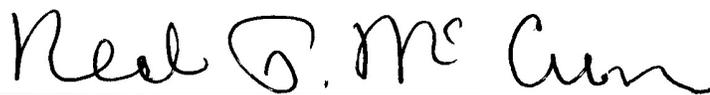
Although given notice of the 30-day Order and ample opportunity to avoid dismissal, appellant has failed to submit the papers necessary to prosecute the appeal. Nor has he submitted an explanation for his failure to do so or sought an extension of time. On reviewing the order appealed from and the underlying record, and in view of appellant's complete failure to proceed in this Court, the Court finds that a lesser sanction than dismissal would not be effective. Further, there is no apparent excuse for the failure of appellant, a lawyer, to prosecute this appeal, nor is there any basis to believe that the appeal is meritorious. In exercise of its discretion, this Court dismisses the appeal.

It is therefore

ORDERED that the appeal from the December 8, 2009 Order of United States Bankruptcy Judge Margaret Cangilos-Ruiz in *In Re: Yvonne Terrell Dickson*, Bankruptcy Case Number: 08-33071, is denied and dismissed.

IT IS SO ORDERED.

Dated: March 15, 2010
at Syracuse, NY



Neal P. McCurn
Senior U.S. District Judge