

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

IN RE:

FRED WOODY, JR.

CASE NO. 5:16-cv-00877-D

ORDER DISMISSING APPEAL

The matter before the court is the notice of appeal filed on October 31, 2016 by Fred Woody, Jr. of the court's order of September 30, 2016 denying stay of eviction.

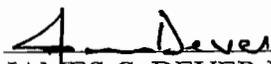
The court finds that the appellant failed to file a designation of items to be included in the record on appeal as required by Rule 8009 of the Federal Rules of Bankruptcy Procedure. By a memorandum dated November 2, 2016, the court directed the appellant to this rule for compliance; however, the appellant has failed to comply and has not filed the designation of items.

The court further finds that the appellant has failed to file the fee for the appeal pursuant to 28 USC §1930.

The court further finds that the appellant did not timely file the appeal. The order sought to be appealed was entered on September 30, 2016 and the deadline for filing the appeal was October 14, 2016. The appeal was filed October 31, 2016.

Accordingly, the notice of appeal filed by Fred Woody, Jr. on October 31, 2016 is hereby DISMISSED.

SO ORDERED. This 22 day of February 2017.



JAMES C. DEVER III
Chief United States District Judge