

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:17-CV-00078-GCM**

ELIZABETH COLE, )  
VINCENT LINEBERGER, )  
 )  
 **Appellant,** )  
 )  
 **v.** )  
 )  
 JAMES B. NUTTER & COMPANY, )  
 SUBSTITUTE TRUSTEE SERVICES INC, )  
 )  
 **Appellee.** )  
 )

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**ORDER**

**THIS MATTER** is before the Court on the Appellants’ Motion for Reconsideration. The Appellants filed their Motion to Appeal on February 21, 2017, following the Bankruptcy Court’s Order dismissing the appellants’ complaint on January 5, 2017 and the Bankruptcy Court’s Order confirming its authority to enter final orders and granting in part and denying part appellants’ motion for additional findings of fact and conclusions of law on Bankruptcy Court’s authority to enter a final judgment on February 6, 2017.

On March 8, 2017 the bankruptcy court notified the Court that Appellants have failed to pay the required \$298 filing fee pursuant to 28 U.S.C. § 1930. On February 21, 2017 the Appellants were notified in writing and given ten business days to pay the requisite filing fee. On March 14, 2017, this Court entered an Order dismissing this appeal because no fee was tendered. It appears that later that day the Appellants paid the requisite fee to the clerk of the bankruptcy court. The Appellants were given notice in writing of their failure to comply with 28 U.S.C. § 1930 by the clerk of the bankruptcy court and did not do so until this Court entered an Order dismissing the case 21 days after that written notification. The Appellant has failed to present the court with any compelling reason for its delay in paying the requisite filing fee.

**IT IS THEREFORE ORDERED** that Appellants’ Motion for Reconsideration is hereby **DENIED**.

Signed: May 15, 2017



Graham C. Mullen  
United States District Judge

