

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:17-CV-00442-GCM**

PAMELA WILLIAMS, )  
 )  
 **Appellant,** )  
 )  
 v. )  
 )  
 U.S. BANK TRUST NATIONAL )  
 ASSOCIATION, et al. )  
 )  
 **Appellees.** )  
 )  
 \_\_\_\_\_ )

**ORDER**

This matter is before the Court upon its own motion. Appellant Pamela Williams filed a Notice of Appeal on July 26, 2017. Under Bankruptcy Rule 8009(a)(1)(B), Appellant had 14 days thereafter to file her designation of the record on appeal and statement of issues on appeal. Appellant has yet to file or serve her designation and statement of issues.

“An appellant’s failure to take any step other than the timely filing of a notice of appeal does not affect the validity of the appeal, but is ground only for the district court or BAP to act as it considers appropriate, including dismissal of appeal.” Fed. R. Bankr. P. 8003(a)(2); *see also In re Weiss*, 111 F.3d 1159, 1173 (4th Cir. 1997) (“If an appellant violates one of the rules of bankruptcy procedure, the district court may dismiss the appeal.”).

Prior to dismissal of an appeal, however, a court “must take one of the following steps: (1) make a finding of bad faith or negligence; (2) give the appellant notice and an opportunity to explain the delay; (3) consider whether the delay had any possible prejudicial effect on the other parties; or (4) indicate that it considered the impact of the sanction and available alternatives.” *In re Serra Builders, Inc.*, 970 F.2d 1309, 1311 (4th Cir. 1992).

This Court issued a Show Cause Order to Appellant on September 21, 2017, giving her notice and an opportunity to explain the delay. Appellant has not responded showing cause for the delay or providing the required designation and statement.

**IT IS THEREFORE ORDERED** that Appellant's appeal is hereby **DISMISSED WITH PREJUDICE** for failure to file and serve the designation and statement as required by Fed. R. Bankr. P. 8009(b).

Signed: October 11, 2017

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

