

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:17-cv-00661-FDW
[BR Case No. 16-30960]

ELIZABETH COLE,)
)
 Appellant,)
)
 vs.)
)
 MECKLENBURG COUNTY TAX)
 COLLECTOR and WARREN L.)
 TADLOCK,)
)
 Appellees.)
)
 _____)

ORDER

THIS MATTER is before the court on review of the Memorandum submitted by the Clerk of the Bankruptcy Court to the Clerk of this Court indicating that appellant has failed to pay the required filing fee for her appeal of three orders of \$894.00.

Review of the court’s docket reveals that appellant has taken no action to pay the required fee after her application *in forma pauperis*, 28 U.S.C. § 1930(f)(1), was denied on December 5, 2017. (Doc. No. 4). The Judicial Conference of the United States has deemed it appropriate to impose a filing fee on those seeking review of the Bankruptcy court decisions. Specifically, 28 U.S.C. § 1930(b) provides that the “Judicial Conference of the United States may prescribe additional fees in cases under title 11 of the same kind as the Judicial Conference prescribes under section 1914(b) of this title.” Section 1914(b) provides that the “[bankruptcy] clerk shall collect from the parties such additional fees only as are prescribed by the Judicial Conference of the United States.” The Judicial Conference, in turn, has provided “[bankruptcy] clerk shall collect from the parties such additional fees only as are prescribed by the Judicial Conference of the United States.” The Judicial Conference, in turn, has provided for the collection of a filing fee “[f]or filing an

appeal or cross appeal from a judgment, order, or decree, [of] \$293. This fee is collected in addition to the statutory fee of \$5 that is collected under 28 U.S.C. § 1930(c) when a notice of appeal is filed.” Bankruptcy Court Miscellaneous Fee Schedule (Dec. 1, 2016).¹ As Appellant has appealed three court orders, the required filing fee for these appeals totals \$894.00.

Finally, the Court has considered whether further notice is likely to gain compliance. On November 13, 2017, appellant was provided written notice of her obligation to pay the filing fee pursuant to 28 U.S.C. § 1930 within ten business days. Appellant was provided notice of the denial of her application *in forma pauperis* and her obligation to pay the filing fee when she was sent a copy of the Memorandum on December 7, 2017. Appellant has in no manner sought to cure the deficiency or in any manner communicate with the Court.

THEREFORE, the Court hereby DISMISSES without prejudice the appeal for failing to pay the required filing fee.

IT IS SO ORDERED.

Signed: January 10, 2018



Frank D. Whitney
Chief United States District Judge 

¹ <http://www.uscourts.gov/services-forms/fees/bankruptcy-court-miscellaneous-fee-schedule>.