

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>SIDNEY T. LEWIS,</b>	:	
	:	<b>Case No. 2:09-CV-944</b>
<b>Appellant,</b>	:	
	:	<b>JUDGE ALGENON L. MARBLEY</b>
<b>v.</b>	:	
	:	
<b>LARRY J. MCCLATCHY,</b>	:	
	:	
<b>Appellee.</b>	:	

**ORDER**

This matter is before the Court on an appeal from the judgment United States Bankruptcy Court for the Southern District of Ohio, dated March 26, 2009, in a dispute between Appellant-Debtor Sidney T. Lewis (“Lewis”) and Appellee Larry J. McClatchy, the Chapter 7 Trustee (“Trustee”). The Bankruptcy Court issued an Order requiring that certain fees and expenses be paid by the Trustee from the estate. On October 22, 2009, Lewis filed a Notice of Appeal with this Court. On October 26, 2009, the Office of the Clerk issued a briefing schedule, a copy of which was mailed to Lewis. Pursuant to the briefing schedule, Lewis was to file a brief by November 12, 2009, the Trustee was to file a brief by November 30, 2009, and Lewis was to file a reply brief by December 13, 2009. The filing deadlines in this matter have passed and neither Lewis, nor the Trustee, have filed a brief or sought leave to adjust the briefing schedule. Applicable law provides that “[a]n appellant’s failure to take any step other than timely filing a notice of appeal does not affect the validity of the appeal, but is ground only for such action as the district court or bankruptcy appellate panel deems appropriate, which may include dismissal of the appeal.” 11 U.S.C. § 8001(a). This appeal is **DISMISSED**.

**IT IS SO ORDERED.**

**s/Algenon L. Marbley**  
**UNITED STATES DISTRICT COURT**

**DATE: April 16, 2010**