

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LINDA MUELLER,

Appellant,

v.

BANK ONE, N.A. and
WILLIAM A. CHATTERTON,
CHAPTER 13 TRUSTEE,

Appellee.

ORDER

09-cv-137-bbc

In Re the Bankruptcy of

LINDA MUELLER,

Debtor.

03-17144-rdm-13

On August 26, 2009, this court held a recorded telephonic status conference. Appellant Linda Mueller, who currently is proceeding without an attorney, did not participate. Appellee was represented by Attorney Brian Perhach.

The court calendared this conference in order to engage Ms. Mueller in an on-the-record conversation about her appeal and its current status. Ms. Mueller has let her attorney go while this bankruptcy appeal is pending, but has not been diligent in meeting deadlines or advocating her position to the court. As I told appellee's attorney at the conference, this court bends over backwards to make sure that *pro se* litigants get a fair opportunity to be heard in this court. I had

hoped to be able to sort out the various strands of this case with Ms. Mueller and Attorney Perhach and set some deadlines that were fair and sensible for all concerned.

Even though Ms. Mueller did not call in for the conference, I still am giving her one last opportunity to respond in opposition to the appellee's motion to dismiss her appeal. Ms. Mueller has until September 4, 2009 within which to file with the court and serve on appellee's attorney any written response to the motion to dismiss. Appellee has until September 14, 2009 within which to file any reply if a response comes in.

As I noted during the teleconference, even if Ms. Mueller does not respond to the motion, the court does not necessarily grant motions to dismiss in civil cases merely because they are unopposed. The court will make its own determination whether dismissal is appropriate. If so, the case will be over. If not, the court will attempt again to engage the parties in a teleconference to discuss what needs to happen next and set some deadlines. If Ms. Mueller still intends to pursue this appeal, it would be in her best interest to file something with the court by September 4.

Entered this 27th day of August, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge