

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

March 25, 2020

Christopher M. Wolpert
Clerk of Court

MARGARET L. KINNEY,

Petitioner,

v.

HSBC BANK USA, N.A.,

Respondent.

No. 20-700
(D.C. No. 13-27912-EEB)
(D. Colo.)

ORDER

Before **BRISCOE**, **HOLMES**, and **PHILLIPS**, Circuit Judges.

This matter comes before the court on Margaret L. Kinney's *Petition for Permission to Appeal* pursuant to 28 U.S.C. § 158(d) and Federal Rule of Appellate Procedure Rule 5 and *Motion for Leave to File Out of Time Compliance With Fed. R. Bankr. P. 8006(g)*. Ms. Kinney seeks direct review by this court of a judgment entered by the Bankruptcy Court for the District of Colorado. HSBC Bank USA, N.A. does not oppose the petition and has filed a notice of nonopposition to the motion for leave to file out of time.

Upon consideration, the motion for leave to file out of time and the petition for permission to appeal are both granted. Pursuant to Judicial Conference policy, where a direct appeal is authorized, the appellant shall pay only the difference between the circuit filing fee and the Bankruptcy Appellate Panel fee. Accordingly, **within 14 days** from the

date of this order, Ms. Kinney shall pay \$207 (\$505-\$298) to the clerk of the Bankruptcy Court for the District of Colorado. Once Ms. Kinney has paid the remainder of the fee, the clerk of the bankruptcy court shall notify this court, and an appeal with a new case number will be opened. *See* Fed. R. App. P. 5(d)(3). The parties will be notified how to proceed in separate directives from this court once the new appeal has been opened. The date of this order shall serve as the date of the notice of appeal. *See* Fed. R. App. P. 5(d)(2).

Entered for the Court
CHRISTOPHER M. WOLPERT, Clerk

A handwritten signature in black ink, appearing to read "Jane K. Castro", with a long horizontal flourish extending to the right.

by: Jane K. Castro
Chief Deputy Clerk