

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

EDWARD E. PAULES,	:	CIVIL ACTION NO. 1:07-CV-1286
	:	
Appellant	:	(Judge Conner)
	:	
v.	:	
	:	
STEVEN CARR,	:	
	:	
Appellee	:	

ORDER

AND NOW, this 16th day of October, 2007, upon consideration of the notice of appeal from a decision of the United States Bankruptcy Court for the Middle District of Pennsylvania (Doc. 1), which was docketed and transmitted to the parties by the Clerk of Court on July 17, 2007 (see Doc. 2), and appellee's motion to dismiss (Doc. 3),¹ and it appearing that appellant has not filed a brief in support of his appeal as of the date of this order, see FED. R. BANKR. P. 8009 ("The appellant shall serve and file a brief within 15 days after entry of the appeal on the docket pursuant to Rule 8007."); see also In re Jewelcor Inc., 11 F.3d 394, 398 (3d Cir. 1993) (stating that fifteen-day briefing period is triggered by "the docketing and sending of notice [of appeal] by the *district* court clerk" (emphasis in original)), and that appellant has not filed the "items to be included in the record on appeal and a statement of the issues to be presented" as of the date of this order, see FED. R. BANKR. P. 8006

¹ Appellee argues that the bankruptcy appeal should be dismissed for appellant's failure to file a brief in support of the appeal. In an abundance of caution, the court will permit appellant to file a brief in support and the record and issues by November 2, 2007. Therefore, the court will deny the motion to dismiss.

(providing that the record and issues on appeal be filed within ten days after filing the notice of appeal), it is hereby ORDERED that:

1. On or before November 2, 2007, appellant shall file
 - a. A brief in support of his appeal. The brief shall comply in all material respects with the requirements of Rule 8010 of the Federal Rules of Bankruptcy Procedure.
 - b. A designation of the items to be included in the record on appeal and a statement of the issues to be presented. See FED. R. BANKR. P. 8006.
 - c. Failure to comply with this order may result in the imposition of sanctions, including dismissal of this appeal. See FED. R. BANKR. P. 8001(a) (“An 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 . . . deems appropriate, *which may include dismissal of the appeal.*” (emphasis added)); see also Poulis v. State Farm Fire & Cas. Co., 747 F.2d 863, 868 (3d Cir. 1984); L.R. 83.3.1(a).
2. On or before November 19, 2007, appellee shall file a brief in opposition.
3. On or before December 4, 2007, appellant shall be permitted to file a reply brief.
4. The motion to dismiss (Doc. 3) is DENIED.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge