

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

96 SEP 25 AM 9: 30

In Re)
)
PROTOCOL FOR PROCESSING)
BANKRUPTCY APPEALS WITHOUT)
PAYMENT OF FILING FEES.)
_____)

No.

96-119-MISC-T

CLERK U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

GENERAL ORDER ESTABLISHING PROTOCOL
FOR PROCESSING BANKRUPTCY APPEALS
WITHOUT PAYMENT OF FILING FEES

The judges of the court have considered problems associated with the filing of bankruptcy appeals without the required filing fees. Acting upon the report and recommendation of the bankruptcy judges, upon thorough consideration, and to ensure the just, speedy, and inexpensive processing of bankruptcy appeals, the court establishes the following protocol:

A. Motions to proceed on appeal in forma pauperis:

1. Motions made in the bankruptcy court to proceed on appeal in forma pauperis pursuant to the provisions of 28 U.S.C. § 1915 shall be heard and determined by the presiding bankruptcy judge.

2. A party in interest aggrieved by the entry by the bankruptcy judge of an order determining a motion to proceed on appeal in forma pauperis may file in the bankruptcy court a motion for review by the district judge. Such a motion for review shall be filed with the clerk of the bankruptcy court within 10 days of the date of the entry of the order sought to be reviewed. Upon the filing of such a motion for

review, the clerk of the bankruptcy court shall transmit to the clerk of the district court a record sufficient to permit the district judge to review the bankruptcy judge's order.

B. Failure to pay required fees:

1. In the event an appellant who has not obtained leave to proceed on appeal in forma pauperis files a notice of appeal without paying the filing fees required by 28 U.S.C. § 1930(c), F.R.B.P. 8001(a), and the Bankruptcy Court Miscellaneous Fee Schedule, the presiding bankruptcy judge may enter a conditional order of dismissal of the appeal. The conditional order of dismissal shall direct the appellant to pay the required filing fees within 10 days of the date of the entry of the conditional order of dismissal, failing which the appeal shall stand and be taken as dismissed without further order of the court.

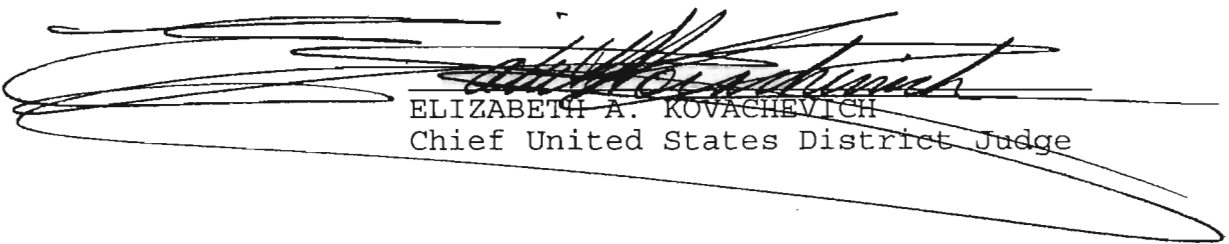
2. If the appellant pays the filing fees as required by the order, the processing of the appeal will proceed in the usual course under the Federal Rules of Bankruptcy Procedure.

3. If the appellant fails to pay the filing fees as required by the order, the appeal shall be deemed dismissed without further order of the bankruptcy court or the district court; and the clerk of the bankruptcy court shall not transmit the notice of appeal, the conditional order of dismissal, or the record to the clerk of the district court.

4. A party in interest aggrieved by the entry by the bankruptcy judge of a conditional order of dismissal may file in the bankruptcy court a motion for review by the district judge. Such a motion for review shall be filed with the clerk of the bankruptcy court within 10 days of the date of the entry of the order of conditional dismissal. Upon the filing of such a motion for review, the clerk of the bankruptcy court shall transmit to the clerk of the district court a record sufficient to permit the district judge to review the bankruptcy judge's conditional order of dismissal.

DONE and ORDERED upon the vote of all of the judges in Tampa, Florida, this 25th day of SEPT., 1996.

For the Court:



ELIZABETH A. KOVACHEVICH
Chief United States District Judge