

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

96 SEP 25 AM 9:30

In Re)
)
PROTOCOL FOR PROCESSING)
UNTIMELY BANKRUPTCY APPEALS.)
_____)

No.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

96-118-MISC-T

GENERAL ORDER ESTABLISHING PROTOCOL
FOR PROCESSING UNTIMELY BANKRUPTCY APPEALS

The judges of the court have considered problems associated with the untimely filing of bankruptcy appeals. 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:

1. Whenever an appellant files in the bankruptcy court a notice of appeal that is untimely on its face pursuant to the time provisions of F.R.B.P. 8002(a) or (b), the presiding bankruptcy judge may enter an order dismissing the appeal for untimeliness. Unless the district court grants relief from that order pursuant to the provisions of paragraph 2 below, the entry of the order of dismissal shall have the effect of dismissing the appeal; and the clerk of the bankruptcy court shall not transmit the notice of appeal, the order of dismissal, or the record to the clerk of the district court.

2. A party in interest aggrieved by the entry by the bankruptcy judge of an order dismissing the appeal for untimeliness 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 dismissal for untimeliness. 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 of dismissal for untimeliness.

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. KOVACHOVICH
Chief United States District Judge

to wit the foregoing to be a true and correct copy of the original.
RICHARD D. SLETTEN, Clerk
United States District Court
Middle District of Florida

By: Cheryl S. Ham
Deputy Clerk