

**UNITED STATES BANKRUPTCY APPELLATE PANEL
OF THE TENTH CIRCUIT**

IN RE STEVEN E. MUTH, also known
as Steve, also known as Stephen,

Debtor.

BAP No. CO-13-055

STEVEN E. MUTH,

Appellant,

Bankr. No. 12-26897
Chapter 11

v.

DISMISSAL ORDER

KIMBERLY MUTH, ERNEST MUTH,
LINDA SEASE, JOSE HURDAGO,
SECURITIES AND EXCHANGE,
HECKENBACK SUAZP & DAVE
LLP, WINK & WINK, P.C., LITVAK
LITVAK MEHRTENS AND EPSTEIN,
P.C., CREDIT SERVICE,
ENHANCRCVR CO., METRO
COLLECTION, HWARFIELD,
MIDLAND MCM, BUDGET CTRL,
STELLAR REC, AFNI, REVENUE
ENTERPRIZE, NCO FIN/35, BRS,
APOLLO CREDIT, FST PREMIER
BANK, and HSBC BANK,

December 13, 2013

Appellees.

Before THURMAN, Chief Judge, NUGENT, and MICHAEL, Bankruptcy Judges.

On November 27, 2013, this Court granted pro se Appellant Steven E. Muth (“Appellant”) an extension of time to file a compliant appendix and proof of service of his amended brief filed on November 6, 2013. On December 11, 2013, Appellant filed a compliant amended brief. On December 12, 2013, Appellant untimely filed an amended appendix.

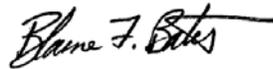
Appellant failed to file a proof of service as required by the Order issued on November 27, 2013. Additionally, Appellant’s amended appendix does not

include the notice of appeal as required by Federal Rule of Bankruptcy Procedure 8009(b). As such, this appeal must be dismissed, subject to Appellant's right to cure during the rehearing period set forth in Federal Rule of Bankruptcy Procedure 8015, after which time our mandate will issue, divesting this Court of jurisdiction over this appeal.

Accordingly, it is HEREBY ORDERED that:

- (1) This appeal is DISMISSED for failure to prosecute. Fed. R. Bankr. P. 8001(a).
- (2) All deadlines herein are TERMINATED.

For the Panel:

A handwritten signature in black ink, appearing to read "Blaine F. Bates". The signature is written in a cursive style with a long horizontal stroke at the end.

Blaine F. Bates
Clerk of Court