

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

IN RE WYO. COUNTRY BUILDERS,
LLC,

Debtor.

BAP No. WY-13-060

MELANIE M. PETERSON,

Appellant,

Bankr. No. 12-21046
Chapter 7

v.

WYO. COUNTRY BUILDERS, LLC,

Appellee.

DISMISSAL ORDER

November 22, 2013

Before CORNISH, KARLIN, and JACOBVITZ, Bankruptcy Judges.

On November 5, 2013, this Court entered a Notice of Deficiency and Order to Show Cause (“NOD”), requiring the pro se Appellant Melanie M. Peterson (“Appellant”) to cure the following deficiencies within fourteen (14) days, or the appeal would be dismissed:

An appendix must have a cover page containing the case caption, the title “Appendix,” with the name of the filing party, counsel or a pro se party’s name, address, telephone and facsimile numbers, and ECF e-mail address. 10th Cir. BAP L.R. 8009-3(b).

The appendix must include a table of contents which gives the full name of each document contained in the appendix, the bankruptcy docket number, and the page number in the appendix on which it begins. 10th Cir. BAP L.R. 8009-3(c).

The appendix must be paginated and each page in the appendix must have its own number in sequential order. 10th Cir. BAP L.R. 8009-3(d).

The appendix must contain a copy of the notice of appeal. Fed. R. Bankr. P. 8009(b)(7).

The appendix must contain the relevant entries in the bankruptcy

docket. Fed. R. Bankr. P. 8009(b)(8). A copy of the bankruptcy court docket sheet, which includes the entry of the notice of appeal, must be the first document in the appendix. 10th Cir. BAP L.R. 8009-3(e).

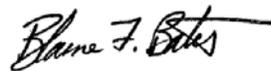
The Appellant responded to the NOD by filing Appellant's Appendix ("amended Appendix") on November 19, 2013. The amended Appendix was not accompanied by proof of service as required by Federal Rule of Bankruptcy Procedure 8008(d) and does not fully cure the deficiencies stated in the NOD. Specifically, the amended Appendix does not include a completed table of contents, a copy of the notice of appeal, or a copy of the bankruptcy court docket, and is not consecutively paginated. As such, this appeal must be dismissed for failure to prosecute.

Dismissal of this appeal is subject to Appellant's right to cure during the rehearing period as 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), 8008(d), & 8009(b).
- (2) All deadlines herein are **TERMINATED**.

For the Panel:



Blaine F. Bates
Clerk of Court