

ALD-285

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-4499

In Re: MICHAEL R. SHEMONSKY,

Appellant

MICHAEL G. OLEYAR, JR.,

Trustee

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Civil No. 07-cv-01885)
District Judge: Honorable Malcolm Muir

Submitted for Possible Dismissal Pursuant to 28 U.S.C. § 1915(e)(2)(B)
or Summary Action Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6
September 11, 2008

Before: SLOVITER, FISHER and HARDIMAN, Circuit Judges

(Opinion filed: September 18, 2008)

OPINION

PER CURIAM

Michael Shemonsky appeals the District Court's order dismissing his bankruptcy appeal. In February 2007, Shemonsky filed a Chapter 7 bankruptcy petition in the Bankruptcy Court for the Middle District of Pennsylvania. On August 29, 2007, the

Bankruptcy Court dismissed the petition for failure to file the required documents, and Shemonsky filed a notice of appeal to the District Court. By order entered October 23, 2007, the District Court directed Shemonsky to file a brief which conformed with Rule 8010 of the Federal Rules of Bankruptcy Procedure. After Shemonsky filed his brief, the District Court concluded that the brief did not conform with Rule 8010 and did not assert any reason to question the order of the Bankruptcy Court. After the District Court dismissed the appeal, Shemonsky filed a timely notice of appeal from the District Court's order.

We have jurisdiction under 28 U.S.C. §§ 158(d) and 1291. Rule 8010 requires that the brief contain, inter alia, a statement of the issues presented, a statement of the case, and argument. We have held that Rule 8010 serves the substantive purpose of giving the District Court notice of the alleged errors in the appealed decision. In re Trans World Airlines, Inc., 145 F.3d 124, 132 (3d Cir. 1998). Therefore, a District Court has the discretion to deem an argument waived if it is not presented in compliance with Rule 8010. Id. In his District Court brief, Shemonsky did not present any cognizable challenges to the Bankruptcy Court order dismissing his case. Likewise, in his brief on appeal, he does not present any cognizable challenge to the District Court's order dismissing his bankruptcy appeal.

Summary action is appropriate if there is no substantial question presented in the appeal. See Third Circuit LAR 27.4. For the above reasons, as well as those set forth by

the District Court, we will summarily affirm the District Court's order. See Third Circuit I.O.P. 10.6. Shemonsky's motions to disbar and permanently enjoin Michael G. Oleyar and to reconsider the Clerk's January 3, 2008, order are denied.