Rule 8003-2

DISMISSAL OF APPEALS

The District Court's Amended General Order Establishing Protocols for Processing Bankruptcy Appeals, Case No. 3:21-mc-1-TJC (Doc. No. 156), authorizes the Bankruptcy Court to dismiss or conditionally dismiss appeals under the following circumstances:

(a) appeals that are not filed within the time period specified in Fed. R. Bankr. P. 8002;

(b) appeals where appellant has failed to pay the filing fee and has not obtained leave to proceed with the appeal *in forma pauperis*; and

(c) appeals where appellant has failed to timely file the designation of record and statement of issues on appeal.

In each case, an aggrieved party in interest has the right to request review by the District Court within 14 days of entry of the Bankruptcy Court's dismissal order. Parties should consult the District Court's Amended General Order Establishing Protocols for Processing Bankruptcy Appeals for further details.

Notes of Advisory Committee

2025 Amendment

This amendment retitles and renumbers the rule (formerly Local Rule 8002-1 Dismissal of Untimely Appeals) and expands it to include provisions of the District Court's *Amended General Order Establishing Protocols for Processing Bankruptcy Appeals* entered on October 29, 2024, which includes provisions that allow the Bankruptcy Court to dismiss untimely appeals, appeals that are filed without the filing fee, and appeals in which the appellant fails to timely file the designation of record and statement of issues on appeal. The amendment also adds a provision that an aggrieved party has the right to request District Court review of the Bankruptcy Court's dismissal order within 14 days. This amendment to the rule is effective August 15, 2025.

2023

This new rule establishes procedures for dismissal of appeals that are filed after the time period specified in Fed. R. Bankr. P. 8002. This new rule is effective August 1, 2023.