

**July 15, 2016**

In re Sheri Speer, No. 3:15-cv-1438 (RNC)

**ORDER dismissing appeal.**

Bankruptcy debtor Sheri Speer, proceeding pro se, seeks review of a bankruptcy court order granting a motion for relief from the automatic stay filed by Marlena Downing, Marquice Downing, Audrena Downing, and Lisa Hall. A docket entry on November 3, 2015 indicates that Ms. Speer has not paid the filing fee necessary to pursue this action. Nor has she sought leave to proceed in forma pauperis. Accordingly, the appeal is dismissed without prejudice. See Smith v. Nagle House, Inc., No. 05CIV5129VM, 2005 WL 1773765, at \*1 (S.D.N.Y. July 25, 2005) (dismissing bankruptcy appeal for failure to pay filing fee; "[t]he Appellants in this case have neither paid the requisite filing fee for their appeal from the Bankruptcy Court's Order nor sought to proceed in forma pauperis. The Court, therefore, dismisses the appeal without prejudice."). If Ms. Speer wishes to proceed with this action, she must pay the requisite filing fee or to seek leave to proceed in forma pauperis on or before August 5, 2016. If she does not do so, the matter will be deemed dismissed with prejudice for failure to prosecute. See In re Fernicola, No. 6:07-CV-151 (GLS), 2007 WL 894270, at \*1 (N.D.N.Y. Mar. 20, 2007) (dismissing appeal for failure to prosecute after appellants failed to pay filing fee).

So ordered.

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/s/ RNC  
Robert N. Chatigny  
United States District Judge