

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

IN RE: SHERI SPEER

CASE NO. 3:16-cv-285(RNC)

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ORDER

Bankruptcy debtor Sheri Speer, proceeding pro se, seeks review of an order granting a motion for relief from the automatic stay filed by Norwich Public Utilities with respect to real property at 9 Beckwith Avenue in Norwich. Ms. Speer filed this appeal almost two years ago but she has yet to file her brief. On October 1 of last year, Ms. Speer was ordered to show cause why the appeal should not be dismissed for failure to prosecute. ECF No. 20. In response, she filed a motion seeking an extension of time of 60 days, explaining that she was a victim of a home invasion in March 2017. ECF No. 22 at 3. The time she requested has now run and an additional month has passed.

A bankruptcy appeal may be dismissed for failure to prosecute if such failure is "inexcusable." See Burton v. Schachter, 99 F. App'x 333, 335 (2d Cir. 2004) (citing Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd., 507 U.S. 380, 395 (1993)). Ms. Speer's delay in filing her brief in this case is consistent with a pattern of delay, obstruction, dilatory pleading and disregard of court orders in the underlying bankruptcy case. See Scheduling Order & Order to Show Cause, In

re Speer, No. 14-bk-21007 (AMN), ECF No. 1536 (Nov. 22, 2017). It is also part of a pattern of noncompliance with procedural requirements on her appeals to this Court. Given this history, I find that the appeal in this case should be dismissed for failure to prosecute. See French Bourekas Inc. v. Turner, 199 B.R. 807, 814 (E.D.N.Y. 1996) (dismissing appeal for failure to timely file designations when there was a history of bad faith and dilatoriness).

Accordingly, this appeal is dismissed without prejudice. If Ms. Speer wishes to proceed with this appeal, she must file, on or before February 15, 2018, a motion to vacate this dismissal along with her brief and an affidavit showing why her failure to file the brief in a timely manner should be excused. If Ms. Speer fails to comply with this order, the Clerk will dismiss the appeal with prejudice for failure to prosecute and close the appeal.

So ordered this 30th day of January 2018.

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