

IN THE UNITED STATES DISTRICT COURT FOR THE

DISTRICT OF NEBRASKA
RECEIVED

OCT 23 1987

IN RE:

DOUGLAS R. TETHEROW,
Debtor.

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William L. Olson, Clerk

OCT 30 1987
UNITED STATES BANKRUPTCY CLERK. 86-0-1047
FOR THE DISTRICT OF NEBRASKA BK. 84-2324
OMAHA

Deputy

ORDER

This matter is before the Court on its own motion.

The record in this case shows that debtor's notice of appeal was filed in Bankruptcy Court on December 29, 1986, and in this Court on December 31, 1986. A scheduling order was entered and filed on January 14, 1987. On February 2, 1987, the record on appeal was filed by the Clerk of the Bankruptcy Court. The Clerk of the Bankruptcy Court certified that a copy was mailed to debtor's attorney, Alan Kirshen, at 661 North 50th Street, Omaha, Nebraska, 68132.

On May 21, 1987, this Court entered an order to show cause on or before June 1, 1987, why this appeal should not be dismissed for lack of prosecution. Debtor's response to order to show cause was filed on June 3, 1987. In the debtor's response to the show cause order, debtor's counsel stated that he was unaware of the filing of the record on appeal. He further stated "appellant will borthwith (sic) secure the said record, and requires thirty (30) days to file his brief." To date, no brief has been filed by debtor.

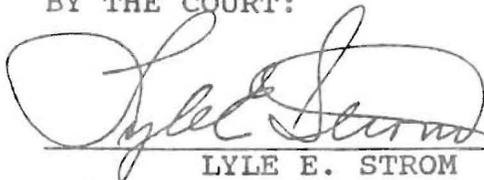
Rule 22 of the Local Rules of the United States District Court for the District of Nebraska provides that "[a]t any time when it appears that any action is not being prosecuted

with reasonable diligence, the Court may dismiss it for lack of prosecution." The Court finds debtor's appeal has not been diligently prosecuted. Accordingly,

IT IS ORDERED that debtor's appeal is dismissed.

DATED this 23rd day of October, 1987.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Lyle E. Strom", written over a horizontal line.

LYLE E. STROM
UNITED STATES DISTRICT JUDGE