

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

IN THE MATTER OF:)

BETTY HAYS, et al.,)

Debtors.)

CV. 86-0-243

BK. 86-378

ORDER

By

FILED

DISTRICT OF NEBRASKA

AT

AUG 08 1987

William L. Olson, Clerk

Deputy

This matter is before the Court on the motion of Metropolitan Life Insurance Company to dismiss (Filing No. 10). Upon careful consideration of the motion, the Court finds this matter should be dismissed for lack of diligent prosecution pursuant to Local Rule 22.

On April 4, 1986, Betty L. Hays appealed an order of the Bankruptcy Court granting Metropolitan relief from the automatic stay. This Court entered an order requiring appellant to commence the procedure necessary for the transmission of record on appeal within ten (10) days of February 24, 1987, and to submit a brief on the merits within twenty (20) days from the date the record was transmitted. On May 21, 1987, the Court entered an order requiring appellant to show cause why the matter should not be dismissed for lack of prosecution. Appellant had not commenced the procedure required for transmission of the record.

After a showing was made by Ms. Hays the Court entered an order on June 17, 1987, requiring the case to proceed as outlined in the schedule of the February 24, 1987, order. The record on appeal was transmitted to the district court on June 18, 1987. Thus, appellant was required to submit a brief on or

before July 8, 1987. To date, Ms. Hays has not filed a brief and no extension of time for filing a brief has been granted by the Court.

Based upon the above chronology, the Court finds Metropolitan's motion is well taken. Accordingly,

IT IS ORDERED:

- 1) Metropolitan's motion to dismiss is granted;
- 2) This appeal is dismissed for lack of diligent prosecution pursuant to Local Rule 22.

DATED this 5th day of August, 1987.

BY THE COURT:

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

LYLE E. STROM
UNITED STATES DISTRICT JUDGE