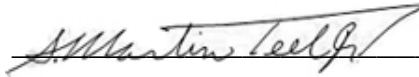


The document below is hereby signed.

Signed: February 06, 2009.



  
S. Martin Teel, Jr.  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA

In re )  
 )  
SONYA LaRAYE OWENS, ) Case No. 07-00547  
 ) (Chapter 13)  
Debtor. ) **Not for Publication in**  
 ) **West's Bankruptcy Reporter**

MEMORANDUM DECISION RE EFFECT OF  
APPEAL OF LIFT STAY ORDER TO DISTRICT COURT  
ON BANKRUPTCY COURT'S ABILITY TO RULE ON MOTION TO DISMISS CASE

The trustee's motion to dismiss this case is unopposed. The debtor has an appeal pending in the District Court (Civil Action No. 08-2194) from this court's order granting a creditor relief from the automatic stay. The dismissal of the case will terminate the automatic stay pursuant to 11 U.S.C. § 362(c)(1) and (2), and may moot the appeal. But that does not require this court not to act on the motion to dismiss during the pendency of the appeal. The appeal addresses a discrete issue of whether the automatic stay should have been lifted before the automatic stay terminated by operation of 11 U.S.C. § 362(c)(1) and (2). The appeal thus does not bar this court from entering an order dismissing the bankruptcy case with the collateral consequence of

terminating the automatic stay pursuant to § 362(c)(1) and (2).

The court notes that beyond the appeal being possibly mooted by reason of the dismissal of the bankruptcy case, the appeal might be dismissed as well because:

- the \$255 in fees relating to the appeal were not paid;  
and
- no designation of the record on appeal was timely filed in the Bankruptcy Court.

An order follows granting the trustee's motion to dismiss.

[Signed and dated above.]

Copies to:

Debtor

Chapter 13 Trustee

Kevin Feig, Esq.

Honorable John D. Bates (assigned District Court Case Number 1:08-cv-2194).