

The document below is hereby signed.

Signed: May 19, 2009.




S. Martin Teel, Jr.
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)
)
MICHAEL JOSEPH SINDRAM,) Case No. 08-00559
) (Chapter 7)
Debtor.) Not for Publication in
) West's Bankruptcy Reporter

MEMORANDUM DECISION AND ORDER (1) DIRECTING
CLERK AS TO THE HANDLING OF THE PART OF THE DEBTOR'S MOTION
FILED MAY 4, 2009, THAT SEEKS RELIEF BY WAY OF INTERLOCUTORY
APPEAL AND (2) CERTIFYING THAT GROUNDS EXIST WARRANTING THE
DISTRICT COURT'S SUMMARILY DENYING THE MOTION FOR LEAVE TO APPEAL

The debtor Sindram has filed a document (Docket Entry ("DE") No. 156) that includes various requests for relief, including a request for relief from the district court (a Motion for Leave to Appeal Interlocutory Judgment of April 15, 2009 and Notice of Appeal) as an alternative to Sindram's motion (in the same document) requesting reconsideration by this court of the order (DE No. 130) that denied a motion to compel discovery from Sindram's condominium association. By separate Memorandum Decision and Order, I have denied the request for reconsideration.

I

Grounds exist pursuant to which the district court may summarily deny the motion for leave to appeal:

- Sindram has not paid the fees associated with the appeal, and no waiver of the fees is warranted.
- An immediate appeal from the order denying the motion to compel entered on April 15, 2009, would not materially advance the ultimate termination of the contested matter in which discovery was sought (a motion to hold the condominium association in contempt for allegedly violating the automatic stay).
- The notice of appeal is untimely, having been filed more than 10 days after entry of the order on April 15, 2009.

By way of the clerk's transmitting a copy of this order to the district court, that court intends that the district court may be alerted that (in the view of this court) grounds exist pursuant to which the motion for leave to appeal may be denied summarily.

II

The clerk has asked for instructions regarding the handling of the document (DE No. 156) that includes the Motion for Leave to Appeal Interlocutory Judgment of April 15, 2009 and Notice of Appeal. It is

ORDERED that the clerk shall treat the Motion for Leave to

Appeal Interlocutory Judgment of April 15, 2009 and Notice of Appeal contained in the document (DE No. 156) as a notice of appeal under Fed. R. Bankr. P. 8001 from the interlocutory order (DE No. 130) denying Sindram's motion to compel discovery, and as a motion under Fed. R. Bankr. P. 8003 for leave to prosecute that interlocutory appeal. It is further

ORDERED that when the clerk transmits the appeal papers to the district court, the clerk shall include with the transmittal (1) a copy of this order and (2) a copy of the Memorandum Decision and Order signed this date. It is further

ORDERED that when the clerk transmits the appeal to the clerk of the district court for docketing in that court, the clerk's transmittal sheet shall include a notification that the district court judge assigned the matter should be alerted to this order which addresses grounds upon which the motion for leave to appeal may be summarily denied. It is further

ORDERED that if the debtor has not paid fees owed for filing the notice of appeal, the clerk's transmittal sheet shall include notification that those fees have not been paid.

[Signed and dated above.]

Copies to:

Debtor; Chapter 7 Trustee; Office of United States Trustee; Craig A. Parker, Esq., 110 N. Washington Street, Ste. 500, Rockville, Maryland 20850; George R. Pitts, Esq.