

The document below is hereby signed.

Signed: September 24, 2013



A handwritten signature in black ink that reads "S. Martin Teel, Jr." with a stylized flourish at the end.

S. Martin Teel, Jr.
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)	
)	
STEPHEN THOMAS YELVERTON,)	Case No. 09-00414
)	(Chapter 7)
Debtor.)	Not for publication in
)	West's Bankruptcy Reporter.

MEMORANDUM DECISION AND ORDER REGARDING THE
TRANSMITTAL OF THE *AMENDED NOTICE OF APPEAL RE:
VACATING JUDGMENT* (DKT. NO. 729) AND NOTING THE FAILURE OF THE
DEBTOR TO PAY THE APPEAL FEES FOR FILING THAT NOTICE OF APPEAL

The debtor Yelverton has filed a confusing set of notices of appeal. This *Memorandum Decision and Order* is intended to alert the district court to this court's views regarding the issue of appeal fees with respect to the appeal pursued by the *Amended Notice of Appeal Re: Vacating Judgment* (Dkt. No. 729). It also provides guidance to the clerk in transmitting the appeal pursued by that filing.

FAILURE TO PAY THE APPEAL FEES

Yelverton has not paid the appeal fees owed for filing a notice of appeal in the case of the *Amended Notice of Appeal Re: Vacating Judgment* (Dkt. No. 729). As set forth in the *Memorandum Decision and Order Denying Application to Waive Appeal Fees* (Dkt. No. 737 entered September 19, 2013):

- This notice of appeal pursues an appeal for the first time from the *Memorandum Decision and Order Denying Application to Waive Appeal Fees* (Dkt. No. 723), which denied a waiver of fees for pursuit of the appeal commenced by the *Notice of Appeal Re: Vacating Judgment* (Dkt. No. 715). *Id.* (Dkt. No. 737) at 4-5.
- It also appeals other orders, but those orders were already appealed by the earlier *Notice of Appeal Re: Vacating Judgment* (Dkt. No. 715), and the earlier *Amended Notice of Appeal Re: Vacating Judgment* (Dkt. No. 718). *Id.* (Dkt. No. 737).
- Because it appeals a new order, it must be treated as pursuing an appeal separate from the appeals of the orders appealed by the two earlier notices of appeal, and as requiring payment of the appeal fees charged for filing a notice of appeal. *Id.* (Dkt. No. 737) at 5-6, 8-9.

- Yelverton has not filed an application seeking a waiver of fees for filing *this* notice of appeal, but because no such appeal of the *Memorandum Decision and Order Denying Application to Waive Appeal Fees* (Dkt. No. 723) was required to apply in the district court for a waiver of fees for pursuit of the *Notice of Appeal Re: Vacating Judgment* (Dkt. No. 715), it would hardly seem appropriate to grant a discretionary waiver of the fees for such a needless appeal. *Id.* (Dkt. No. 737) at 2 n.2, 8 n.6, and 8-9.

II

THE TRANSMITTAL OF THE NOTICE OF APPEAL

The clerk should transmit the *Amended Notice of Appeal Re: Vacating Judgment* (Dkt. No. 729) as a separate appeal from the earlier *Notice of Appeal Re: Vacating Judgment* (Dkt. No. 715), and the earlier *Amended Notice of Appeal Re: Vacating Judgment* (Dkt. No. 718) as appealing a new matter (the *Memorandum Decision and Order Denying Application to Waive Appeal Fees* (Dkt. No. 723)), and treat the appeal as separate from any of the debtor's other appeals, noting that the appeal is an appeal of the *Memorandum Decision and Order Denying Application to Waive Appeal Fees* (Dkt. No. 723). The transmittal of any appeal commenced by the other notices of appeal will be dealt with by a separate order.

III

It is

ORDERED that, in due course after the time to designate the record under Fed. R. Bankr. P. 8006 has expired, the clerk shall transmit the *Amended Notice of Appeal Re: Vacating Judgment* (Dkt. No. 729) as an appeal of a new matter, namely, an appeal of the *Memorandum Decision and Order Denying Application to Waive Appeal Fees* (Dkt. No. 723), and as an appeal separate from any appeal commenced by other notices of appeal. It is further

ORDERED that as part of the record on appeal, the clerk shall transmit:

- a copy of this *Memorandum Decision and Order*;
- a copy of the order appealed (the *Memorandum Decision and Order Denying Application to Waive Appeal Fees* (Dkt. No. 723));
- a copy of the *Memorandum Decision and Order Denying Application to Waive Appeal Fees* (Dkt. No. 737 entered September 19, 2013); and
- for informational purposes only (and not as appeals in and of themselves) copies of:
 - ▶ the *Notice of Appeal Re: Vacating Judgment* (Dkt. No. 715);
 - ▶ the first *Amended Notice of Appeal Re: Vacating Judgment* (Dkt. No. 718); and

▶ the *Corrected Amended Notice of Appeal Re:
Vacating Judgment* (Dkt. No. 730)
as pertinent to the issue of fees.

[Signed and dated above.]

Copies to: Debtor; recipients of e-notification of filings.