

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 92-3529
Summary Calendar

IN THE MATTER OF: CHERIE WARD,

Debtor.

CHERIE WARD,

Appellant,

VERSUS

JEAN O. TURNER, TRUSTEE,

Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
(CA-92-0071-G)

(January 18, 1993)

Before KING, DAVIS and WIENER, Circuit Judges.

PER CURIAM:¹

Appellant, a debtor in a Chapter 7 bankruptcy proceeding, appeals the order of the district court dismissing her appeal. We find no abuse of discretion and affirm.

¹Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

I.

The bankruptcy court entered judgment denying discharge to Cherie Ward on October 22, 1991. She timely noticed her appeal on October 31. Ward's appeal was docketed on January 7, 1992. The district court clerk mailed a notice to appellant, who was acting **pro se**, directing her to file her brief within fifteen days after entry of the appeal on the docket. **See** Bankr. R. 8009(a)(1). Appellant's designation of items to be included in the record on appeal was due ten days after filing notice of appeal. **See** Bankr. R. 8006.

Ms. Ward sought and obtained extensions of time to file her brief on January 23, 1992, and on February 20, 1992. The time was extended in the final order until March 18, 1992. Appellant never filed her brief and filed a designation of record on March 9, 1992, without a transcript. On March 18, 1992, the date previously fixed by the court as the date on which her brief was due, she filed a motion for additional time. Appellant advised the court that she did not have the \$1,200 necessary for transcription of the record and that the bankruptcy court had denied her application for **in forma pauperis** status. She asked the court to extend the time for a brief until twenty days after the date the trustee filed a designation of the record, expressing her hope that the trustee would designate the transcript as part of the record. The district court denied her motion for further delay, and on March 24, 1992, entered an order dismissing her appeal.

The district court granted Ms. Ward fifty-five days in extension within which to file her brief. When that time had expired, Ms. Ward still had not found the money to pay for the transcript which she wanted to include in the designation of record on appeal. Instead, she presented a motion on the brief's due date asking for an additional delay of twenty days from the date appellee-trustee filed a designation of the record. The district court did not abuse its discretion in denying such a request for additional delay. The history of appellant's delay justified the court's order dismissing the appeal.

AFFIRMED.