

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-10341
Summary Calendar

IN THE MATTER OF: JOHN MOORE,

DEBTOR.

JOHN MOORE,

Plaintiff-Appellant,

versus

EMC MORTGAGE COMPANY,

Defendant-Appellee.

Appeal from the United States District Court
from the Northern District of Texas
(4:93-CV-849-Y)

(December 21, 1994)

Before JONES, BARKSDALE and BENAVIDES, Circuit Judges.

By EDITH H. JONES, Circuit Judge:*

John Moore, proceeding pro se, appeals the district court's dismissal of his appeal of an agreed order entered by the parties in the bankruptcy court. Finding that no error was committed by the district court, we affirm.

* Local 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

John Moore filed a Chapter 13 bankruptcy petition on October 26, 1993. An agreed order signed by the bankruptcy court and all parties that provided, *inter alia*, for Moore to cure the default on his mortgage payments was entered into on August 26, 1992. The order also provided that if Moore continued to default on his mortgage payments, the automatic stay would be lifted. Subsequently, Moore repeatedly defaulted, the stay was lifted, and Moore's house was foreclosed upon and sold on November 2, 1993. Moore noticed an appeal of the August 26, 1992 order on November 8, 1993. The bankruptcy court dismissed this appeal on December 16, 1993 for want of jurisdiction because Moore had failed to file the appeal within the ten day period for appealing such an order. Bankruptcy Rule 8002(a). Moore appealed to the district court the December 16, 1993 order dismissing his appeal. The district court then dismissed the second appeal because Moore had failed to file his designation of items to be included in the appellate record as required by Bankruptcy Rule 8006.

The gravamen of Moore's half-page brief in the appeal before us is that he was denied both substantive and procedural due process. Unfortunately, even if Moore had timely filed and perfected an appeal, he provides no other facts or even allegations that could give us somewhere to begin in deciding whether his claims are meritorious. Moore's brief merely makes conclusory statements that due process is a fundamental constitutional right and that he was denied this right. We have not been presented with any facts or arguments which would enable us to perform any

meaningful appellate review. In particular, Moore never denies his failure to comply with Bankruptcy Rule 8006 or argues that his appeal was timely.

For these, reasons, we find no error committed by the district court. **AFFIRMED.**