

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-10578

IN THE MATTER OF: JOE SULLIVAN,

Debtor.

JOE SULLIVAN, d/b/a Starwood Partners I,

Appellant,

v.

A.M. MANCUSO, Trustee,

Appellee.

Appeal from the United States District Court
for the Northern District of Texas
(3:93-CV-563-T)

(March 9, 1995)

Before KING, GARWOOD and BENAVIDES, Circuit Judges.

PER CURIAM:*

We have considered the briefs and the portions of the record applicable to the issue before us, as well as the arguments of counsel. Although the district court did not explicitly consider the factors set forth in Pioneer Investment Services Co. v. Brunswick Assocs., 113 S.Ct. 1489 (1993), the court's Memorandum

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

Opinion and Order and the accompanying opinion of the district court in a companion case reflect that the court carefully considered the circumstances surrounding the delay in filing the required notice of appeal. We cannot say that the district court erred when it held that the bankruptcy court had not abused its discretion in declining to find excusable neglect under those circumstances.

The order of the district court dismissing appellant's appeal from the bankruptcy court's order denying appellant's motion to intervene is AFFIRMED.