

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ARTHUR MERRIWEATHER,	§	
	§	
Appellant,	§	
	§	
v.	§	CIVIL ACTION NO. 3:20-CV-0801-B
	§	(Bankr. Case No. 18-30777-hdh11)
UNKNOWN,	§	
	§	
	§	
Appellee.	§	

ORDER

Before the Court is pro se Appellant Arthur Merriweather’s bankruptcy appeal, docketed with this Court on March 24, 2020. Doc. 1, Transmittal And Certification of Record of Appeal. “[F]ederal courts are duty-bound to examine the basis of subject matter jurisdiction sua sponte.” *In re E.H. Mitchell & Co., LLC*, 2014 WL 6469411, at *1 (E.D. La. Nov. 17, 2014) (quoting *Union Planters Bank Nat. Ass’n v. Salih*, 369 F.3d 457, 460 (5th Cir. 2004)). Doing so here, the Court finds that it lacks jurisdiction because the Appellant failed to timely file his notice of appeal.

On January 3, 2020, the Bankruptcy Court “entered an Order Sustaining Tort Claimants Trustee’s Objection to Claim of Arthur Merriweather [Docket No. 1869] [.]” Doc. 1-1, Order Denying Claimant’s Second Motion to Reconsider, 3. On January 6, 2020, the Appellant filed a motion “asking that the Court reconsider the Order, which the Court subsequently denied.” *Id.* On February 13, 2020, the Appellant filed a second motion, again asking the Bankruptcy Court to reconsider its prior Order. *Id.* On February 24, 2020, the Court denied the Appellant’s second motion to reconsider. *Id.* On March 24, 2020, the Appellant filed a notice of appeal of the


Bankruptcy Court's February 24 order. Doc. 1-1, Notice of Appeal, 3.

"[A] notice of appeal must be filed with the bankruptcy clerk within 14 days after entry of the judgment, order, or decree being appealed." Fed. R. Bankr. P. 8002. 28 U.S.C. § 158, which defines this Court's jurisdiction over bankruptcy appeals, "expressly requires that the notice of appeal be filed under the time limit provided in Rule 8002[.]" *Smith v. Gartley (In re Berman-Smith)*, 737 F.3d 997, 1003 (5th Cir. 2013). Thus, the failure to comply with the fourteen-day deadline for filing a notice of appeal, as required by Rule 8002, deprives this Court of jurisdiction. *Matter of Kite*, 710 F. App'x 628, 631 (5th Cir. 2018) (citing *In re Berman-Smith*, 737 F.3d at 1003).

As laid out above, the Appellant filed his notice of appeal of the Bankruptcy Court's February 24 Order on March 24, well outside of Rule 8002's fourteen-day deadline. Accordingly, the appeal is untimely, which deprives this Court of jurisdiction. *In re Berman-Smith*, 737 F.3d at 1003. The Court therefore **DISMISSES** this appeal for lack of jurisdiction.

SO ORDERED.

SIGNED: June 6, 2020.


JANE J. BOYLE
UNITED STATES DISTRICT JUDGE

