

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT HAMMOND

IN RE:)
SHERRY G. CHILDRESS)
) BANKRUPTCY NO. 09-23367
)
Debtor)

ORDER

This Chapter 13 case is before the Court on an Objection and Motion to Strike Debtor's/Appellant's Designation of Record on Appeal filed by U. S. Bank, N.A. on February 8, 2010.

Collier on Bankruptcy states:

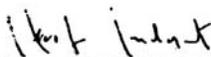
The filing of a timely notice of appeal has the effect of immediately transferring jurisdiction from the bankruptcy court to the district court or bankruptcy appellate panel with respect to any matters involved in the appeal. This rule is the same as that which governs appeals taken from the district court to the court of appeals. The bankruptcy court is divested of authority to proceed further with respect to such matters, except in aid of the appeal, or to correct clerical mistakes under Federal Rule of Civil Procedure 60(a), adopted by Bankruptcy by Bankruptcy Rule 9024. Thus, after a notice of appeal is timely filed, the bankruptcy court has no power to grant an appellant's motion to dismiss the action without prejudice, or to allow the filing of a supplemental pleadings or otherwise to reexamine the order from which the appeal is pending, or to vacate its decision.

Collier on Bankruptcy, Par. 8001.04, P. 8001-10. (15th Ed. Rev.). (footnote omitted).

Accordingly, the Motion must be denied without prejudice for lack of jurisdiction. Any such Motion must be directed to the District Court.

SO ORDERED.

February 11, 2010



JUDGE, U. S. BANKRUPTCY COURT

Distribution:
Debtor
Attorney Taylor
Trustee