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In Re: Shemonsky

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CLD-338

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NOS. 07-2784, 07-2790, & 07-2791

MICHAEL R. SHEMONSKY,

Appellant

MICHAEL G. OLEYAR, JR.,

Trustee

On Appeal From the United States District Court
For the Middle District of Pennsylvania
(D.C. Civ. Nos. 07-cv-00765, 07-cv-00766, & 07-cv-00806)
District Judge: Honorable Malcolm Muir

Submitted For Possible Dismissal Under 28 U.S.C. § 1915(e)(2)(B) or Summary Action
Under Third Circuit LAR 27.4 and I.O.P. 10.6
August 16, 2007

BEFORE: RENDELL, SMITH and JORDAN, CIRCUIT JUDGES

(Filed: September 6, 2007)

OPINION

PER CURIAM

Michael Shemonsky appeals the District Court's order dismissing his appeals for failure to file briefs in conformity with Rule 8010 of the Federal Rules of Bankruptcy Procedure. Shemonsky had filed appeals to the District Court from three orders of the

Bankruptcy Court. After he filed his briefs, the District Court noted that the briefs were not in compliance with Rule 8010 because Shemonsky did not include a table of contents, a table of cases relied on, a statement of jurisdiction, and a statement of the issues. After the District Court directed Shemonsky to file briefs in compliance with Rule 8010, Shemonsky filed supplemental briefs. The District Court found that the supplemental briefs did not comply with its May 9th order and deemed the three appeals to be withdrawn. Shemonsky filed timely notices of appeal. We have jurisdiction under 28 U.S.C. §§ 158(d) and 1291 and have consolidated the appeals.

We have held that Rule 8010 serves the substantive purpose of giving the District Court notice of the alleged errors in the appealed decision. In re Trans World Airlines, Inc., 145 F.3d 124, 132 (3d Cir. 1998). Therefore, a District Court has the discretion to deem an argument waived if it is not presented in compliance with Rule 8010. Id. In his briefs, Shemonsky did not present any cognizable challenges to the Bankruptcy orders he was appealing. Instead, he discussed Atlantic Federal, a former financial institution.¹ While we are mindful of the liberal construction given to pro se pleadings, we conclude that the District Court did not abuse its discretion in deeming Shemonsky's appeals withdrawn.

Summary action is appropriate if there is no substantial question presented in the

¹ Shemonsky has been enjoined by the District Court for the Middle District of Pennsylvania from filing pleadings related to Atlantic Financial. See In re Michael Shemonsky, M.D. Pa. Misc. No. 03-mc-0008 (Feb. 18, 2003).

appeal. See Third Circuit LAR 27.4. For the above reasons, as well as those set forth by the District Court, we will summarily affirm the District Court's order. See Third Circuit I.O.P. 10.6.