

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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NO. 94-20418  
Summary Calendar

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IN THE MATTER OF: KELLY OIL COMPANY, Debtor.  
CLARON CORPORATION, Appellant,  
versus  
KELLY OIL COMPANY, d/b/a KOC CORPORATION, Appellee.

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Appeal from the United States District Court for the  
Southern District of Texas  
(CA-H-93-3388)

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(January 17, 1995)

Before SMITH, EMILIO M. GARZA, and PARKER, Circuit Judges.

PER CURIAM\*:

The district court dismissed an appeal from the bankruptcy court because the appellant's brief was not filed within 15 days after entry of appeal as required by Rule 8009(a)(1) of the Federal Rules of Bankruptcy Procedure. Appellant's brief was filed 64 days late.

Our review of the actions of the district court in its appellate role is for an abuse of discretion. *In the Matter of*

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

*Braniff Airways, Inc.*, 774 F.2d 13031305 (5th Cir. 1985). We find no abuse of discretion on the part of the district court in dismissing the appeal for appellant's failure to file a timely brief. AFFIRMED.