

REVISED - October 10, 1997
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No.97-50313
Summary Calendar

IN THE MATTER OF: DONALD E. GHIDONI:

DONALD E. GHIDONI,

Debtor,

Appellant,

versus

HILL COUNTRY S.A., LTD.;
JOHNNY W. THOMAS, TRUSTEE,

Appellees.

Appeals from the United States District Court
for the Western District of Texas
(SA-96-CV-68)

October 3, 1997

Before POLITZ, Chief Judge, DAVIS and BENAVIDES, Circuit Judges.

PER CURIAM:*

Donald E. Ghidoni, debtor in Chapter 11 and Chapter 7 proceedings, appeals the district court's affirmance of a judgment of the bankruptcy court in the Chapter

*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

11 proceeding denying the debtor's homestead exemptions and granting Hill Country S.A., Ltd., declaratory relief, as well as the district court's dismissal of an appeal from the bankruptcy court in the Chapter 7 proceeding because the appellant's brief was not timely filed.

Our review of the record reflects neither clearly erroneous findings of fact nor error of law and, on the facts as found and analysis made by the district court in its Order dated April 21, 1997, the judgment appealed in the Chapter 11 proceeding is AFFIRMED.

Upon examination of the applicable Bankruptcy Rules, and for the reasons well stated in the district court's Order Dismissing Appeal signed on April 1, 1997 and Order Denying Motion for Rehearing signed on April 16, 1997, there was no abuse of the district court's discretion in dismissing the appeal in the Chapter 7 proceeding.¹ The district court's dismissal of the appeal in the Chapter 7 proceeding is AFFIRMED.

¹**In the Matter of Braniff Airways, Inc.**, 774 F.2d 1303 (5th Cir. 1985).