

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
GEORGIA

Vinetta Parker v. Paul A. Schofield, Chapter 7 Trustee; and Guy Van
Baalen, Acting United States Trustee for Region 21

Vinetta Parker v. Paul A. Schofield, Chapter 7 Trustee; and Guy Van Baalen, Acting United States Trustee for
Region 21 · No. 4:25-cv-00176 · Decided December 1, 2025

SUMMARY

The United States District Court for the Southern District of Georgia dismissed Vinetta Parker’s appeal from a Bankruptcy Court turnover order. The court held that the notice of appeal was untimely under Federal Rule of Bankruptcy Procedure 8002, and that the Bankruptcy Court’s denial of Parker’s motion to extend the filing deadline left the district court without subject matter jurisdiction.

CASE DETAILS

COURT	United States District Court for the Southern District of Georgia
JURISDICTION	United States District Court for the Southern District of Georgia
DECIDED	December 1, 2025
DOCKET	4:25-cv-00176
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a bankruptcy court turnover order, dismissed for lack of jurisdiction due to untimely filing.
PRECEDENTIAL VALUE	Unpublished district court order
PARTIES	Vinetta Parker v. Paul A. Schofield, Chapter 7 Trustee; Guy Van Baalen, Acting United States Trustee for Region 21

TOPICS

- appellate jurisdiction
- bankruptcy
- final judgment rule
- civil procedure

PRACTICE AREAS

- Bankruptcy
- Civil Procedure
- Appellate Procedure

QUESTIONS PRESENTED

1. Whether the district court has subject matter jurisdiction over an appeal from a bankruptcy court order when the notice of appeal was filed untimely and a motion to extend time was denied.

HOLDINGS

1. The district court lacks jurisdiction to hear the appeal because the notice of appeal was untimely filed and the motion to extend time was denied by the bankruptcy court.

KEY QUOTATIONS

“timely filing of a notice of appeal [under Federal Rule of Bankruptcy Procedure 8002] is mandatory and jurisdictional. If the notice is not timely filed, the appellate court is without jurisdiction to hear the appeal.”

“it does not excuse them from their duty to abide by procedural rules.”

FACTUAL BACKGROUND

Appellant filed a Chapter 7 bankruptcy petition and owned real property and was entitled to a federal tax refund. The Chapter 7 Trustee filed a motion for turnover of both assets. The bankruptcy court granted the turnover motion, ordering Appellant to surrender the property within 28 days and immediately surrender the tax refund. Appellant's motion to extend time to file an appeal was denied, and her notice of appeal was filed outside the 14-day deadline.

PROCEDURAL HISTORY

Appellant filed a Chapter 7 bankruptcy petition. The bankruptcy court granted a turnover order for her property and tax refund. Appellant filed a motion to extend time to appeal (denied) and a notice of appeal outside the 14-day deadline. The bankruptcy court denied the motion to extend. The district court dismissed the appeal for lack of subject matter jurisdiction.

DISPOSITION

dismissed

CASES CITED

- Williams v. EMC Mortg. Corp. (In re Williams), 216 F.3d 1295 (11th Cir. 2000)
- Advanced Estimating Sys., Inc. v. Riney, 77 F.3d 1322 (11th Cir. 1996)
- In re Strickland & Davis Int'l, Inc., 612 F. App'x 971 (11th Cir. 2015)