UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF GEORGIA, BRUNSWICK DIVISION

In re Johnnie Marene Thomas

In re Thomas · No. No. 24-20266 · Decided January 12, 2026

SUMMARY

The United States Bankruptcy Court for the Southern District of Georgia denied Debtor Johnnie Marene Thomas's pro se motion for a stay pending appeal of a contempt order. The court held that she failed to address the required stay factors and that her appeal was unlikely to succeed because the notice of appeal was filed outside the mandatory 14-day deadline.

CASE DETAILS

COURT	United States Bankruptcy Court for the Southern District of Georgia, Brunswick Division
WRITING FOR THE COURT	Michele J. Kim
JURISDICTION	United States Bankruptcy Court for the Southern District of Georgia, Brunswick Division
DECIDED	January 12, 2026
DOCKET	No. 24-20266
DISPOSITION	other
PROCEDURAL POSTURE	The pro se debtor filed a notice of appeal from a contempt order and moved for a stay of that order pending appeal. The bankruptcy court construed the filing as a combined notice of appeal and motion for stay and denied the motion.
STANDARD OF REVIEW	A stay pending appeal is within the bankruptcy court's sound discretion. The movant bears the burden of establishing all four stay factors by a preponderance of the evidence.
PRECEDENTIAL VALUE	Unknown
PARTIES	Johnnie Marene Thomas

TOPICS

appellate procedure · remedies · chapter 7 · bankruptcy · standard of review

PRACTICE AREAS

Bankruptcy · Appellate procedure · Bankruptcy remedies

QUESTIONS PRESENTED

1. Whether the debtor was entitled under Federal Rule of Bankruptcy Procedure 8007 to a stay of the contempt order pending appeal.
2. Whether the debtor demonstrated a substantial likelihood of success on appeal where her notice of appeal was filed outside Rule 8002's fourteen-day deadline.

HOLDINGS

1. A stay pending appeal is an extraordinary remedy, and the movant must establish by a preponderance of the evidence all four factors: substantial likelihood of success on the merits, substantial risk of irreparable injury absent a stay, no substantial harm to other interested persons, and no harm to the public interest.
2. The debtor did not demonstrate a substantial likelihood of success because her notice of appeal was filed more than fourteen days after entry of the contempt order, making the appeal fatally untimely.

KEY QUOTATIONS

> *"However, a stay pending appeal is an "extraordinary remedy," and Debtor has the burden of proof to show by a preponderance of the evidence: (1) a substantial likelihood that she will prevail on the merits of the appeal; (2) a substantial risk of irreparable injury to Debtor unless the stay is granted; (3) no substantial harm to other interested persons from the issuance of the stay; and (4) no harm to the public interest if the stay is granted."*

> *"Compliance with this 14-day deadline is mandatory and jurisdictional: an appellate court lacks authority to consider an untimely notice of appeal."*

FACTUAL BACKGROUND

Thomas filed a chapter 7 bankruptcy petition and did not surrender certain nonexempt property to the chapter 7 trustee as required. The bankruptcy court ordered her to turn over the property, but she failed to comply and failed to attend two hearings concerning the trustee's contempt motion. The court entered a contempt order requiring turnover by December 17, 2025, and authorizing the U.S. Marshals Service to assist in taking possession of the property. Thomas filed her notice of appeal and motion for stay on December 17, 2025.

PROCEDURAL HISTORY

Thomas filed a chapter 7 petition on July 24, 2024. After she failed to surrender nonexempt property, the bankruptcy court ordered turnover under 11 U.S.C. § 542; after further noncompliance and missed hearings, the court entered a contempt order on November 17, 2025. Thomas filed her notice of appeal and motion for stay on December 17, 2025, and the bankruptcy court denied the requested stay.

DISPOSITION

other

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- United States v. Ogiekpolor, 122 F.4th 1296, 1304 (11th Cir. 2024)
- Campbell v. Air Jamaica Ltd., 760 F.3d 1165, 1168-69 (11th Cir. 2014)
- Woide v. Fed. Nat'l Mortg. Ass'n (In re Woide), 730 F. App'x 731, 737 (11th Cir. 2018)
- Touchston v. McDermott, 234 F.3d 1130, 1132 (11th Cir. 2000)
- Garcia-Mir v. Meese, 781 F.2d 1450, 1453 (11th Cir. 1986)
- Nken v. Holder, 556 U.S. 418, 434 (2009)
- Matter of Webb, No. 17-10835-WHD, 2017 WL 5125538, at *1 (Bankr. N.D. Ga. Nov. 3, 2017)
- Bloedorn v. Grube, 631 F.3d 1218, 1229 (11th Cir. 2011)
- Lang v. Lang (In re Lang), 414 F.3d 1191, 1201 (10th Cir. 2005)
- In re Moore, No. 20-40309-EJC, 2020 WL 5633081, at *4 (Bankr. S.D. Ga. Aug. 27, 2020)
- Williams v. EMC Mortg. Corp. (In re Williams), 216 F.3d 1295, 1298 (11th Cir. 2000)