

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 24-2857

IN RE: SHEILA MARIE EYAJAN,
Appellant

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Civil Action No. 1:23-cv-00322)
District Judge: Honorable Susan Paradise Baxter

Submitted Pursuant to Third Circuit LAR 34.1(a)
February 17, 2026
Before: HARDIMAN, FREEMAN, and ROTH, *Circuit Judges*

(Opinion filed: October 22, 2026)

OPINION*

PER CURIAM

Sheila Marie Eyajan appeals from the District Court's order dismissing her bankruptcy appeal. We will affirm the District Court's judgment.

In October 2023, the United States Bankruptcy Court for the Western District of Pennsylvania entered two orders denying Eyajan's motions to convert her bankruptcy

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

case¹ from Chapter 7 to Chapter 13 and for a continuance to hire Chapter 13 counsel. Eyajan filed an appeal in the District Court. When she failed to pay the filing fee or designate the contents of the appellate record, the District Court weighed the factors set forth in *Poulis v. State Farm Fire & Cas. Co.*, 747 F.2d 863 (3d Cir. 1984), and dismissed the appeal for failure to comply with Federal Rules of Bankruptcy Procedure 8003(a)(3)(C) and 8009(a)(1). Eyajan timely appealed.

We have appellate jurisdiction under 28 U.S.C. § 158(d)(1). *See In re Jeannette Corp.*, 832 F.2d 43, 45 (3d Cir. 1987) (“Unless the order submitted to the district court [from the bankruptcy court] is final, section 158(d) will not allow an appeal to this court.”); *see also In re Cabral*, 285 B.R. 563, 571 (B.A.P. 1st Cir. 2002) (holding that “orders denying a debtor’s request to convert from Chapter 7 to Chapter 13 pursuant to § 706(a) are final orders” for the purpose of conferring appellate jurisdiction). We review the District Court’s dismissal order for abuse of discretion. *See Davis v. Samuels*, 962 F.3d 105, 116 n.13 (3d Cir. 2020) (“We review dismissals for failure to prosecute or to comply with a court order for abuse of discretion.”); *Jewelcor Inc. v. Asia Com. Co.*, 11 F.3d 394, 396-97 (3d Cir. 1993) (reviewing for abuse of discretion district court order dismissing bankruptcy appeal based on the appellant’s failure to comply with the Federal Rules of Bankruptcy Procedure).

¹ Bankruptcy Case No. 21-10243.

We discern no abuse of discretion in the District Court’s dismissal. When an appellant in a bankruptcy case “fail[s] to take any step other than [the] timely filing [of] a notice of appeal,” that failure “does not affect the appeal’s validity, but is ground only for the district court . . . to act as it considers appropriate, including dismissing the appeal.” Fed. R. Bankr. P. 8003(a)(2). After determining that Eyajan failed to comply with Rules 8003 and 8009, the District Court analyzed the *Poulis* factors² and concluded that each factor, with the exception of the second, weighed in favor of dismissal. The record supports these findings. Eyajan argues that dismissal was inappropriate because she was granted in forma pauperis (IFP) status by the District Court in a previous appeal of the same bankruptcy case. She also asserts that she did designate the contents of appellate record by January 2024, explaining that the untimely filing should be excused because she was having difficulties filing the required documents. These arguments fail for several reasons. First, Eyajan was notified on multiple occasions by the Bankruptcy Court Clerk that her appeal did not conform to the Federal Rules of Bankruptcy Procedure, and thus was on notice that she needed to either pay the filing fee or request

² “(1) [T]he extent of the party’s personal responsibility; (2) the prejudice to the adversary caused by the failure to meet scheduling orders and respond to discovery; (3) a history of dilatoriness; (4) whether the conduct of the party . . . was willful or in bad faith; (5) the effectiveness of sanctions other than dismissal, which entails an analysis of alternative sanctions; and (6) the meritoriousness of the claim or defense.” *Emerson v. Thiel Coll.*, 296 F.3d 184, 190 (3d Cir. 2002) (per curiam) (citing *Poulis*, 747 F.2d at 868).

IFP status.³ Further, the January 2024 filing to which she refers is not actually compliant with Rule 8009(a)(1). Finally, to the extent she was having difficulty filing documents with the Court, this appears to have been resolved when she filed a brief in the District Court in March 2024. The District Court did not dismiss her appeal until September 2024, six months later and about ten months after she initially filed the appeal. Eyajan provides no explanation for why she made no attempt to comply with the relevant rules during this time.

Accordingly, we will affirm the judgment of the District Court.⁴

³ Eyajan also had a prior bankruptcy appeal dismissed (in part) for the same reasons in 2022, *see* E.D. Pa. Case No. 1:22-cv-00038, Dkt. No. 4, and thus had reason to know that dismissal for failure to comply with the relevant rules was likely.

⁴ Eyajan's various motions are denied.