

AUG 26 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In re: THE 12 PERCENT FUND I, LLC,

Debtor,

RODERICK McBROOM and THOMAS  
G. JUNGHANS,

Appellants,

v.

DAVID M. REAVES, Chapter 11 Trustee;  
et al.,

Appellees.

No. 08-60026

BAP No. 2:07-06481-SSC

MEMORANDUM\*

Appeal from the Ninth Circuit  
Bankruptcy Appellate Panel  
Dunn, Markell, and Montali, Bankruptcy Judges, Presiding

Submitted August 10, 2010\*\*

Before: HAWKINS, McKEOWN, and IKUTA, Circuit Judges.

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Roderick McBroom and Thomas S. Junghans appeal pro se from the Bankruptcy Appellate Panel's ("BAP's") order dismissing their interlocutory appeal of the bankruptcy court's order denying their motion to dismiss a chapter 11 bankruptcy case. We review de novo our own jurisdiction and whether a bankruptcy court's decision is final under 28 U.S.C. § 158(d). *Silver Sage Partners, Ltd. v. City of Desert Hot Springs (In re City of Desert Hot Springs)*, 339 F.3d 782, 787 (9th Cir. 2003). We dismiss.

The denial of a motion to dismiss a chapter 11 bankruptcy for bad faith is not a final decision over which we have appellate jurisdiction. *See id.* at 788-91. Moreover, we have no jurisdiction to consider whether the BAP's exercise of its discretion to decline jurisdiction was proper. *See id.* at 788.

Appellants' motions to extend time to file their reply brief are granted. The Clerk shall file the reply brief submitted on July 16, 2010.

**DISMISSED.**