

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 21 2017

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

In re: JOHN LEE CHRISTAKIS,

No. 16-15346

Debtor.

D.C. No. 2:15-cv-00845-SRB

JOHN LEE CHRISTAKIS,

MEMORANDUM\*

Plaintiff-Appellant,

v.

U.S. BANK NA,

Defendant-Appellee.

Appeal from the United States District Court  
for the District of Arizona  
Susan R. Bolton, District Judge, Presiding

Submitted April 11, 2017\*\*

Before: GOULD, CLIFTON, and HURWITZ, Circuit Judges.

John Lee Christakis appeals pro se from the district court's order denying Christakis's appeal of a bankruptcy court order denying his motion for relief under

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

Federal Rule of Civil Procedure 60(b).

We dismiss this appeal for lack of jurisdiction because the bankruptcy court's order denying Christakis's Rule 60(b) motion was not a final, appealable order. *See Defenders of Wildlife v. Bernal*, 204 F.3d 920, 930 (9th Cir. 2000) (order declining to entertain or grant a Rule 60(b) motion is a procedural ruling and not a final determination on the merits); *see also Silver Sage Partners, Ltd. v. City of Desert Hot Springs (In re City of Desert Hot Springs)*, 339 F.3d 782, 787-88 (9th Cir. 2003) (court of appeals does not have jurisdiction to hear interlocutory appeals in bankruptcy cases).

Contrary to Christakis's argument, his prior notice of appeal divested the bankruptcy court of jurisdiction to entertain his Rule 60(b) motion, because both the appeal and the Rule 60 motion concerned the claim of U.S. Bank N.A. against a specific parcel of real property. *See Stein v. Wood*, 127 F.3d 1187, 1189 (9th Cir. 1997) (filing of a notice of appeal divests court of jurisdiction over those aspects of the case involved in the appeal).

**DISMISSED.**