

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 30 2017

FOR THE NINTH CIRCUIT

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

In re: MICHAEL JOHN ENNIS,

No. 16-60076

Debtor,

BAP No. 16-1057

MICHAEL JOHN ENNIS,

MEMORANDUM*

Appellant,

v.

FAIR PLAY REAL ESTATE, LLC,

Appellee.

Appeal from the Ninth Circuit
Bankruptcy Appellate Panel
Kirscher, Jury, and Taylor, Bankruptcy Judges, Presiding

Submitted June 26, 2017**

Before: PAEZ, BEA, and MURGUIA, Circuit Judges.

Michael John Ennis appeals pro se from an order of the Bankruptcy Appellate Panel (“BAP”) dismissing as moot Ennis’s appeal from a bankruptcy

* 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).

court's order granting appellee's motion to lift the automatic stay under 11 U.S.C. § 362(d). We have jurisdiction under 28 U.S.C. § 158(d). We review de novo the BAP's determination that a bankruptcy appeal is moot. *Nat'l Mass Media Telecomm. Sys., Inc. v. Stanley (In re Nat'l Mass Media Telecomm. Sys., Inc.)*, 152 F.3d 1178, 1180 (9th Cir. 1998). We affirm.

The BAP properly dismissed Ennis's appeal as moot because appellee Fair Play Real Estate, LLC, took possession of the property in dispute pursuant to an unlawful detainer judgment obtained in state court, which prevented the BAP from granting Ennis effective relief. *See id.* at 1180-81 (a case is moot where "an event occurs while a case is pending appeal that makes it impossible for the court to grant any effectual relief" (citation and internal quotation marks omitted)).

In light of our disposition, we do not reach Ennis's arguments addressing the underlying merits of the appeal.

Appellee's motion to take judicial notice (Docket Entry No. 13) is granted.

AFFIRMED.