

United States Court of Appeals
For the Eighth Circuit

No. 14-2926

In re: Living Hope Southwest Medical Services, LLC

Debtor

David Kimbro Stephens

Appellant

v.

Living Hope Southeast, LLC

Renee S. Williams, Trustee

Appellee

Appeal from United States District Court
for the Western District of Arkansas - Texarkana

Submitted: March 16, 2015

Filed: March 31, 2015

[Unpublished]

Before LOKEN, BOWMAN, and KELLY, Circuit Judges.

PER CURIAM.

David Kimbro Stephens appeals the district court's¹ final order, in which it affirmed the bankruptcy court's² orders denying his motions to intervene, for reconsideration, and for new trial. After careful review, this court affirms.

We conclude Stephens's motions requesting intervention and reconsideration were properly denied. The bankruptcy court did not err in finding that the motion to intervene was untimely. See Fed. R. Bankr. P. 7024; Fed. R. Civ. P. 24(a)(2) and (b)(1) (mandatory and permissive intervention both require "timely motion"); Tweedle v. State Farm Fire & Cas. Co., 527 F.3d 664, 671 (8th Cir. 2008) (abuse-of-discretion review; identifying factors to consider).

Because Stephens was denied intervention, he does not have standing to appeal the bankruptcy court's final order or its orders denying his motions for continuance of trial, for amendment of the judgment, or for a new trial. See Karcher v. May, 484 U.S. 72, 77 (1987) ("One who is not an original party to a lawsuit may of course become a party by intervention But we have consistently applied the general rule that one who is not a party or has not been treated as a party to a judgment has no right to appeal therefrom.") (internal citation omitted).

The judgment is affirmed. See 8th Cir. R. 47B.

¹The Honorable P.K. Holmes, III, Chief Judge, United States District Court for the Western District of Arkansas.

²The Honorable James G. Mixon, late a United States Bankruptcy Judge for the Western District of Arkansas.