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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In re: FIDEL H. PAJARILLO,

Debtor,

FIDEL H. PAJARILLO,

Plaintiff-Appellant,

v.

SFR INVESTMENTS POOL 1, LLC; et
al.,

Defendants-Appellees.

No. 14-15977

D.C. No. 2:13-cv-01935-RCJ

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Robert Clive Jones, District Judge, Presiding

Submitted November 16, 2016**

Before: LEAVY, BERZON, and MURGUIA, Circuit Judges.

* 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).

Fidel H. Pajarillo appeals pro se from the district court's order dismissing for failure to prosecute his appeal of the bankruptcy court's order dismissing his adversary proceeding. We have jurisdiction under 28 U.S.C. § 158. We review for an abuse of discretion. *In re Fitzsimmons*, 920 F.2d 1468, 1471 (9th Cir. 1990). We vacate and remand.

The district court abused its discretion in dismissing Pajarillo's bankruptcy appeal because it did not explicitly consider alternative sanctions. *See id.* at 1474 (“[U]nless there are egregious circumstances, the district court must, as the general rule requires, explicitly consider relative fault and alternative sanctions.”); *In re Hill*, 775 F.2d 1385, 1387 (9th Cir. 1985) (failure to consider alternative sanctions is an abuse of discretion).

In light of our disposition, we do not consider Pajarillo's other arguments on appeal.

The parties shall bear their own costs on appeal.

The mandate shall issue forthwith.

VACATED and REMANDED.