

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 24 2018

FOR THE NINTH CIRCUIT

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

In re: PACIFIC THOMAS  
CORPORATION, DBA Pacific Thomas  
Capital, DBA Safe Storage,

Debtor.

RANDALL C.M. WHITNEY,

Plaintiff-Appellant,

v.

KYLE EVERETT, Trustee,

Defendant-Appellee.

No. 16-15527

D.C. No. 3:14-cv-05325-MMC

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Maxine M. Chesney, District Judge, Presiding

Submitted May 15, 2018\*\*

Before: SILVERMAN, BEA, and WATFORD, Circuit Judges.

Randall C.M. Whitney appeals pro se from the district court's order

---

\* 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).

affirming the bankruptcy court's order finding that Whitney had violated the automatic stay. We have jurisdiction under 28 U.S.C. § 158. We dismiss.

Our review of the record and the parties' responses to the court's November 5, 2017 order to show cause reflects that this appeal is equitably moot, because the trustee sold the underlying property in 2014, and Whitney has failed to establish his standing to prosecute on behalf of the debtor a state court challenge to the city's Certificates of Compliance. *See Motor Vehicle Casualty Co. v. Thorpe Insulation Co. (In re Thorpe Insulation Co.)*, 677 F.3d 869, 881 (9th Cir. 2012) (factors to be considered when deciding whether an appeal is equitably moot).

Whitney's motion for an extension of time to file a reply to appellee's response to the court's order to show cause (Docket Entry No. 59) is granted. The reply has been filed at Docket Entry No. 58.

**DISMISSED.**