

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 29 2021

FOR THE NINTH CIRCUIT

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

BRUGNARA PROPERTIES VI,

No. 19-17267

Plaintiff-Appellee,

D.C. No. 3:18-cv-02787-WHA

v.

MEMORANDUM*

KAY BRUGNARA; et al.,

Defendants-Appellees,

v.

LUKE D. BRUGNARA,

Movant-Appellant.

Appeal from the United States District Court
for the Northern District of California
William Alsup, District Judge, Presiding

Submitted November 24, 2021**
San Francisco, California

Before: OWENS, BADE, and LEE, Circuit Judges.

Luke Brugnara appeals pro se from the district court's orders denying

* 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).

Brugnara's motions objecting to bankruptcy court orders. We have jurisdiction under 28 U.S.C. §§ 158(d) and 1291. We review for an abuse of discretion. *Morrissey v. Stuteville (In re Morrissey)*, 349 F.3d 1187, 1190 (9th Cir. 2003). We affirm.

1. The district court did not abuse its discretion in denying Brugnara's motion seeking to appeal a bankruptcy court summary judgment ruling because Brugnara failed to perfect his appeal. *See* Fed. R. Bankr. P. 8003(a)(2) (an appellant's failure to take steps to prosecute a bankruptcy appeal may be grounds for dismissal); *see also In re Morrissey*, 349 F.3d at 1190-91 (finding no abuse of discretion when the BAP summarily affirmed a bankruptcy court judgment based on appellant's non-compliance with procedural rules).

2. The district court also did not abuse its discretion in denying Brugnara's motion for reconsideration because Brugnara's notice of appeal divested the district court of control over those aspects of the case involved in the appeal. *See Neary v. Padilla (In re Padilla)*, 222 F.3d 1184, 1190 (9th Cir. 2000).

Because we affirm the district court's orders denying Brugnara's requests for relief, we do not consider Brugnara's challenges to the bankruptcy court's decisions. *See In re Morrissey*, 349 F.3d at 1190.

The State of California Franchise Tax Board's request for judicial notice (Docket Entry No. 50) is granted.

AFFIRMED.