

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 28 2021

FOR THE NINTH CIRCUIT

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

In re: PHILIP ORAN DODSON,

No. 19-56325

Debtor.

D.C. No. 2:19-cv-06165-VAP

PHILIP ORAN DODSON,

MEMORANDUM*

Appellant,

v.

NEVERS PALAZZO PACKARD
WILDERMUTH AND WYNNER PC,

Appellee.

Appeal from the United States District Court
for the Central District of California
Virginia A. Phillips, District Judge, Presiding

Submitted April 20, 2021**

Before: THOMAS, Chief Judge, TASHIMA and SILVERMAN, Circuit Judges.

Chapter 7 debtor Philip Oran Dodson appeals from the district court's

* 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).

judgment dismissing his bankruptcy appeal for failure to prosecute. We have jurisdiction under 28 U.S.C. §§ 158(d) and 1291. We review for an abuse of discretion, *Moneymaker v. CoBen (In re Eisen)*, 31 F.3d 1447, 1451 (9th Cir. 1994), and we affirm.

The district court did not abuse its discretion by dismissing Dodson's appeal for failure to prosecute. Dodson received multiple notices from the bankruptcy court clerk explaining his obligation to comply with the Federal Rules of Bankruptcy Procedure regarding completion of the record on appeal and warning that failure to comply with time requirements as stated in the notices may result in dismissal of the appeal. *See id.* at 1451-56 (discussing factors for district court to weigh in determining whether to dismiss for failure to prosecute); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1261 (9th Cir. 1992) (this court may review the record independently if the district court does not make explicit findings to show its consideration of the factors); *see also* Fed. R. Bankr. P. 8009(a) (setting forth appellant's responsibility to file and serve a designation of record and statement of issues on appeal within 14 days after the notice of appeal becomes effective).

Dodson's request to augment the record on appeal (Docket Entry No. 13) is denied.

AFFIRMED.