

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 25 2021

FOR THE NINTH CIRCUIT

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

JIMMIE D. SMITH, Chapter 7 Trustee,

No. 20-16465

Appellant,

D.C. No. 2:19-cv-02707-DJH

v.

MEMORANDUM*

BARBARA LOUISE BRADEN, Debtor,

Appellee.

Appeal from the United States District Court
for the District of Arizona

Diane J. Humetewa, District Judge, Presiding

Submitted August 17, 2021**

Before: SILVERMAN, CHRISTEN, and LEE, Circuit Judges.

Chapter 7 trustee Jimmie D. Smith appeals from the district court's judgment vacating the bankruptcy court's order denying a homestead exemption.

We review de novo our own jurisdiction. *Silver Sage Partners, Ltd. v. City of Desert Hot Springs (In re City of Desert Hot Springs)*, 339 F.3d 782, 787 (9th Cir.

* 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).

2003). We dismiss for lack of jurisdiction.

Upon a review of the record and the response to this court's June 24, 2021 order to show cause, we conclude that the court lacks jurisdiction over this appeal. The district court's order vacating the bankruptcy court's order denying a homestead exemption and remanding for further explanation of the grounds for denial is not a final appealable order. *See* 28 U.S.C. § 158(d)(1); *Gugliuzza v. FTC (In re Gugliuzza)*, 852 F.3d 884, 894 (9th Cir. 2017) (discussing factors for assessing jurisdiction over an appeal from a district court ruling that remands the case for further proceedings in the bankruptcy court).

DISMISSED.