

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 2 2022

FOR THE NINTH CIRCUIT

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

In re: JAMES LLOYD WALKER,

No. 22-60003

Debtor,

BAP No. 21-1162

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MEMORANDUM\*

JAMES LLOYD WALKER,

Appellant,

v.

ROBERT S. WHITMORE, Chapter 7  
Trustee,

Appellee.

Appeal from the Ninth Circuit  
Bankruptcy Appellate Panel  
Faris, Lafferty III, and Spraker, Bankruptcy Judges

Submitted December 1, 2022\*\*

Before: WALLACE, FERNANDEZ, SILVERMAN, Circuit Judges.

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\* 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).

James Lloyd Walker, a Chapter 7 debtor, appeals pro se from the decision of the Bankruptcy Appellate Panel for the Ninth Circuit (BAP) that affirmed an Order on Final Fee Applications granted by the bankruptcy court. We have jurisdiction under 28 U.S.C. § 158(d). We review BAP decisions de novo and independently review the bankruptcy court's decision. *In re Candland*, 90 F.3d 1466, 1469 (9th Cir. 1996), as amended (Oct. 2, 1996). We will not disturb a bankruptcy court's award of fees absent a finding that the court abused its discretion or erroneously applied the law. *In re Riverside-Linden Inv. Co.*, 945 F.2d 320, 322 (9th Cir. 1991). A bankruptcy court "abuses its discretion if it applies the wrong legal standard or its findings are illogical, implausible or without support in the record." *In re Gill*, 574 B.R. 709, 714 (B.A.P. 9th Cir. 2017). We affirm.

In November 2015, Walker filed a chapter 7 petition, and Appellee Whitmore was appointed chapter 7 trustee. After a years-long process, the bankruptcy court awarded fees and costs to Whitmore, as well as the law firm and accounting firm he had retained, in the total of \$89,309.57. Walker appealed the award, claiming that the expenses were excessive and some fees unnecessary. The BAP held that the court did not err in its award of fees, and Walker appealed to our court.

While we construe a pro se debtor's filings liberally, Walker's pleadings must still meet a minimum threshold in providing his opponents with notice of what they allegedly did wrong. *Brazil v. U.S. Dep't of Navy*, 66 F.3d 193, 199 (9th Cir. 1995).

Walker's arguments do not do so. Walker does not provide specific and distinct allegations in his briefing as to how the fees are excessive and why the court's decision violates the bankruptcy code and other laws of the United States, as he alleges. *Greenwood v. F.A.A.*, 28 F.3d 971, 977 (9th Cir. 1994).

Even if Walker's briefing was sufficient, his argument fails on the merits. A bankruptcy court may award reasonable compensation to professionals providing actual and necessary services to a trustee pursuant to 11 U.S.C. § 330. As the BAP found, the bankruptcy court carefully reviewed the fee application and acted within its discretion in determining that the services performed by Whitmore and his professionals were actual and necessary and were at reasonable rates. The bankruptcy court reduced some fees that it saw as excessive by \$5,952, but it, as well as the BAP, otherwise held that the rest were not excessive or unnecessary, largely because they were a result of Walker's uncooperative conduct during the process. The bankruptcy court's decision was not illogical, implausible, or without support in the record, and thus it did not abuse its discretion.

To the contrary, there is support in the record that Walker's own conduct complicated, delayed, and obstructed the bankruptcy process. Over the course of five years, Walker attempted to conceal ownership of his assets, refused to provide the Trustee information about and access to his property, and strenuously opposed the Trustee's motions and court orders. Because of such conduct, Walker forced

Whitmore and his hired professionals to provide more legal and accounting work than they would have otherwise, and thus incurred higher costs as a result. The bankruptcy court was within its discretion to hold the majority of these fees to be reasonable according to the factors in 11 U.S.C. §§ 330(a)(3) and (4). *In re Jastrem*, 253 F.3d 438, 443 (9th Cir. 2001); *In re Peoro*, 793 F.2d 1048, 1052 (9th Cir. 1986) (holding that obstreperous, frivolous efforts to resist bankruptcy proceedings is an abuse of the judicial system and paying costs resulting from such conduct is reasonable).

**AFFIRMED.**