

FILED

JUN 05 2015

SUSAN M. SPRAUL, CLERK  
U.S. BKCY. APP. PANEL  
OF THE NINTH CIRCUIT

UNITED STATES BANKRUPTCY APPELLATE PANEL  
OF THE NINTH CIRCUIT

FILED  
Jun 10, 2015  
CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

In re:	)	BAP No.	EC-15-1111
	)		
LARRY TEVIS; NANCY TEVIS;	)	Bk. No.	04-26357-B13J
	)		
Debtors.	)	Adv. No.	08-02004-B
_____	)		
LARRY TEVIS; NANCY TEVIS,	)	District Court No.	2:15-mc-0069 WBS KJN
	)		
Appellants,	)		
	)		
	)		
v.	)	<b>ORDER TRANSFERRING IFP MOTION</b>	
	)		
CALIFORNIA DEPARTMENT OF	)		
VETERANS AFFAIRS; JAN P.	)		
JOHNSON, Chapter 13 Trustee,	)		
	)		
Appellees.	)		
_____	)		

Before: PAPPAS and KIRSCHER, Bankruptcy Judges.

Appellants filed a motion for leave to proceed in forma pauperis with respect to this appeal ("IFP Motion"). An order was issued by the BAP Clerk, giving the bankruptcy court the opportunity to make a certification under 28 U.S.C. § 1915(a)(3) regarding whether the appeal is frivolous. No certification was made by the trial court.

Under the holding of Perroton v. Gray (In re Perroton), 958 F.2d 889 (9th Cir. 1992) and Determan v. Sandoval (In re Sandoval), 186 B.R. 490, 496 (9th Cir. BAP 1995), the Bankruptcy

Appellate Panel has no authority to grant or deny in forma pauperis motions under 28 U.S.C. § 1915(a) because bankruptcy courts are not "court[s] of the United States" as defined in 28 U.S.C. § 451.

Therefore, appellants' IFP Motion is hereby TRANSFERRED to the United States District Court for the Eastern District of California for the limited purpose of ruling on the IFP Motion.

It is appellants' responsibility to take all necessary steps to have the IFP Motion considered by the district court within a reasonable period of time.

No later than **Monday, July 6, 2015**, appellants must file with the Panel and serve on opposing counsel a written response which includes as an exhibit a copy of the district court's order on the IFP Motion or an explanation of the steps appellant has taken to have the IFP Motion considered by the district court. For the convenience of the district court, copies of the notice of appeal, the IFP Motion, and the order on appeal are attached to this order.

Appellants must file the opening brief and excerpts of the record no later than **Monday, July 20, 2015**.

Failure to comply with the requirements of this order may result in dismissal of this appeal for lack of prosecution without further notice to the parties. 9th Cir. BAP R. 8070-1.

2

**FILED**  
**PDES**  
APR - 3 2015  
UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

1 Larry Tevis and Nancy Tevis  
2 P.O. Box 156  
3 Rescue, CA 95672

4  
5  
6 UNITED STATES BANKRUPTCY COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
8 SACRAMENTO DIVISION

9 In re:

10 LARRY TEVIS & NANCY TEVIS  
11 Debtors,

Case Number: 04-26357-B13

12  
13  
14 LARRY TEVIS & NANCY TEVIS  
15 Plaintiffs,

Adversary Number: 08-2004

16 v.

17 CALIFORNIA DEPARTMENT OF  
18 VETERANS AFFAIRS, et al.  
19 Defendants.

20  
21 **NOTICE OF APPEAL**

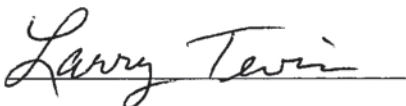
22  
23 Debtors Larry and Nancy Tevis appeal under to the United States Court Of Appeals For The  
24 Ninth Circuit under 28 U.S.C. section 158(d) or (b) from the judgement, order, or decree of  
25 Bankruptcy Judge Christopher D. Jaime's, Order Dismissing Adversary, filed on March 26,  
26 2015.

1 The names and addresses of all parties and respective attorneys to the order appealed from, as  
2 follows:

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Cal Vet	Chapter 13 Trustee Jan P. Johnson
California Department Of Veterans Affairs	P.O. Box 1708
1227 "O" Street Room 306	Sacramento Ca 95812-1708
Sacramento, CA 95814	

DATED: April 1, 2015                      Respectfully submitted,

  
Larry Tevis

2

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

In re: )  
LARRY TEVIS and NANCY TEVIS, )  
Debtor(s). )  
\_\_\_\_\_)  
LARRY TEVIS and NANCY TEVIS, )  
Plaintiff(s), )  
v. )  
CALIFORNIA DEPARTMENT OF )  
VETERANS AFFAIRS, et al., )  
Defendant(s). )  
\_\_\_\_\_)

Case No. 04-26357-B-13  
Adversary No. 08-2004

BRES

FILED

MAR 26 2015

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

JUDGMENT

Findings of fact and conclusions of law having been rendered orally on the record,

IT IS ORDERED AND ADJUDGED that this adversary proceeding is DISMISSED.

Dated: March 25, 2015.

  
UNITED STATES BANKRUPTCY JUDGE

