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JAN 13 2016

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

UNITED STATES BANKRUPTCY APPELLATE PANEL
OF THE NINTH CIRCUIT

FILED
Mar 09, 2016
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

In re:)	BAP No.	EC-15-1303
)		
NAEEM AHMAD,)	Bk. No.	14-28936
)		
Debtor.)	USDC No.	2:16-mc-0049 JAM KJN (BK) (PS)
_____)		
)		
NAEEM AHMAD,)		
)		
Appellant,)		
)		
)		
v.)	ORDER TRANSFERRING IFP MOTION	
)	TO DISTRICT COURT	
JOHN R. ROBERTS, Chapter 7)		
Trustee; BAYVIEW LOAN)		
SERVICES, LLC; UNITED STATES)		
TRUSTEE,)		
)		
Appellees.)		
_____)		

Before: TAYLOR and KURTZ, Bankruptcy Judges.

Appellant 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. A certification was made by the trial court, indicating that, "appellant is not proceeding in good faith within the meaning of 28 U.S.C. § 1915(a)(3)." Bankruptcy Court Certification at 3.

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, appellant's 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 appellant's 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 Wednesday, February 10, 2016, 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 appellants have 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, the bankruptcy court certification and the order on appeal are attached to this order.

Appellant must file the opening brief and excerpts of the record no later than TWENTY-ONE days after entry of an order by the district court regarding appellant's IFP motion.

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. 8018(a)-2.

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Official Form 17
(12/04)

FILED

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SEP - 3 2015

United States Bankruptcy Court

EASTERN District Of CALIFORNIA

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

in re NAEEM AHMAD
Debtor/

\$0.00

Case No. BK-14-28936-C-7

Chapter 7

NOTICE OF APPEAL

I, NAEEM AHMAD, the ~~plaintiff~~ ^{DEBTOR} ~~[or defendant or other party]~~ appeals under 28 U.S.C. § 158(a) or (b) from the judgment, order, or decree of the bankruptcy judge (describe) entered in this ~~adversary~~ ^{BANKRUPTCY} ~~proceeding~~ ^{CASE} [or other proceeding, describe type] on the 21 day of August, 2015.
ORDER OF DISMISSAL OF BANKRUPTCY (month) (year)

The names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows:

<u>John R. Roberts</u>	<u>Tracy Hope Davis</u>	<u>Attorney for Movant.</u>
<u>P.O. Box 1506</u>	<u>C/O Antonia G. Darling</u>	<u>Edward G. Schloss ESQ</u>
<u>Placerville, CA, 95667</u>	<u>Department of Justice</u>	<u>3637 Motor Avenue, Suite 220</u>
	<u>501 I Street #7-500</u>	<u>Los Angeles, CA, 90034</u>
	<u>Sacramento, CA 95814</u>	

Dated: SEPTEMBER 03, 2015

Signed: [Signature] (Pro Se)
Attorney for Appellant (or Appellant, if not represented by an Attorney)

Attorney Name: Naeem Ahmad (Debtor in pro se)

Address: 9352 Oreo Ranch Circle
Elk Grove, CA 95624

Telephone No: (916) 230-5973

If a Bankruptcy Appellate Panel Service is authorized to hear this appeal, each party has a right to have the appeal heard by the district court. The appellant may exercise this right only by filing a separate statement of election at the time of the filing of this notice of appeal. Any other party may elect, within the time provided in 28 U.S.C. § 158(c), to have the appeal heard by the district court.

If a child support creditor or its representative is the appellant, and if the child support creditor or its representative files the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

1 JOHN R. ROBERTS
2 Bankruptcy Trustee
3 Court@bankruptcy-info.com
4 P.O. Box 1506
5 Placerville, CA 95667-1506
6 (530) 626-6476

7 UNITED STATES BANKRUPTCY COURT
8 EASTERN DISTRICT OF CALIFORNIA

9 IN RE:

CASE NO. 14-28936-C-7

10 NAEEM AHMAD

DCN: JRR-1

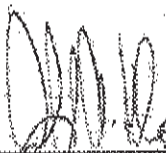
11 Debtor(s).
_____ /

12 ORDER ON TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO APPEAR
13 AT § 341(a) MEETING OF CREDITORS

14 AFTER DUE NOTICE to the appropriate parties of the above-mentioned bankruptcy
15 estate and no requests for hearing having been filed,

16 IT IS HEREBY ORDERED that the case is dismissed.

17
18 Dated: August 21, 2015



19
20
21 United States Bankruptcy Judge

22
23
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26
27
RECEIVED
August 12, 2015
CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

September 25, 2015

Ms. Vickey Jackson-Walker
U.S. Bankruptcy Appellate Panel
of the Ninth Circuit
125 South Grand Avenue
Pasadena, CA 91105

Re: EC-15-1303

Dear Ms. Walker;

Greetings, in reference to my phone call to you of an hour ago, I am sending you fee wavier application for the above referenced case. Kindly return my file stamped copy in the enclosed SASE.

If you have any questions or require any additional items from me please do not hesitate to call or write.

Thanking you, I remain.

Yours truly,



Nacem Ahmad
9352 Oreo Ranch Circle
Elk Grove, CA 95624
Phone:- (916) 230-5973
e-mail:- bingo5070@gmail.com

RECEIVED
Susan M. Sprau, Clerk
U.S. BKCY. APP. PANEL
OF THE NINTH CIRCUIT

SEP 28 2015

FILED _____

DOCKETED _____
DATE INITIAL

1 UNITED STATES BANKRUPTCY COURT
2 EASTERN DISTRICT OF CALIFORNIA
3
4

5 In re: NAEEM AHMAD,) No. 14-28936-C-7
6 Debtor.)
7 _____)

8
9 CERTIFICATION THAT APPEAL NOT TAKEN IN GOOD FAITH
10 FOR PURPOSES OF 28 U.S.C. § 1915(a)(3)
11

12 The Bankruptcy Appellate Panel of the Ninth Circuit has
13 received a request that an appeal filed by debtor Naeem Ahmad be
14 allowed to proceed in forma pauperis under 28 U.S.C. § 1915 in
15 its appeal BAP No. EC-15-1303.

16 The question is whether the United States and its taxpayers
17 should bear certain costs ordinarily borne by an appellant.

18 If the trial court certifies in writing that an appeal is
19 not taken in good faith, then in forma pauperis status under 28
20 U.S.C. § 1915 is not permitted. Accordingly, the appellate panel
21 has posed the good faith question to this trial court.

22 While Mr. Ahmad is entitled to take his appeal, this court
23 is persuaded that it is not taken in "good faith" within the
24 meaning of 28 U.S.C. § 1915(a)(3) for the following reasons.

25 Mr. Ahmad has an established pattern of inappropriate

1 activity in the bankruptcy court. As established in the
2 adversary proceeding filed in this court as United States Trustee
3 v. Naeem Ahmad, No. 14-02275, Mr. Ahmad has filed seven
4 bankruptcy cases in this court since October 2008: No. 08-34278-
5 D-13 (10/3/08); 08-38325-D-13 (12/10/08); 09-20938 (1/21/09); 11-
6 32569-B-13 (5/20/11); 11-48290-B-13 (12/6/11); 12-25027-B-11
7 (3/15/12); and 14-28936-C-7 ((9/3/14).

8 Each of the seven cases has resulted in dismissal for
9 material failures of the debtor to perform the debtor's statutory
10 duties, including failure to file accurate schedules and not
11 appearing at the meeting of creditors. In the petitions in the
12 second through the seventh cases, he falsely stated under penalty
13 of perjury that he had not had previous bankruptcy cases. Nor
14 has included in his schedules some \$1,950 in unpaid bankruptcy
15 case filing fees accumulated in prior cases, as well as unpaid
16 quarterly chapter payments owed to the United States trustee
17 program from case No. 12-25027.

18 The record established by the debtor in the current case,
19 No. 14-28936, is not consistent with a good faith effort by the
20 debtor to obtain bankruptcy relief.

21 The judgment rendered in adversary proceeding 14-02275
22 denied the debtor's discharge and enjoined the debtor from filing
23 another bankruptcy case for a period of five years.


24 It is also relevant that the debtor's twin brother, Nadeem

1 Ahmad, who also has the same address as the debtor in this case,
2 has filed four bankruptcy cases in this district during the time
3 that Naeem Ahmad has been filing cases: No. 09-34084-B-7
4 (10/26/09); 09-45504-C-7 (11/20/09); 10-48915-B-7 (10/30/10); and
5 10-51217-C-7 (11/29/10).

6 The two brothers have appeared together from time to time in
7 this court in a fashion in which it is apparent that they are
8 acting in concert.

9 Under all the circumstances, and regardless of any potential
10 merit of the appeal, this trial court is persuaded that the
11 taxpayers should not be required to bear the expenses attendant
12 to an in forma pauperis proceeding because the appellant is not
13 proceeding in good faith within the meaning of 28 U.S.C.
14 § 1915(a)(3). While the appellant is entitled to take his
15 appeal, the United States and its taxpayers should not bear the
16 expense of the appeal.

17
18
19 Dated: December 05, 2015

20
21 
22 _____
23 United States Bankruptcy Judge
24

General Docket
U. S. Bankruptcy Appellate Panel for the Ninth Circuit

Bankruptcy Appellate Panel Docket #: 15-1303

Docketed: 09/09/2015

Naeem Ahmad v. John Roberts, et al

Appeal From: California Eastern - Sacramento

Fee Status: fee due

Case Type Information:

- 1) Bankruptcy
- 2) Chapter 7 Non-Business
- 3) null

Originating Court Information:

District: 0972-2 : [14-28936](#)

Trial Judge: Christopher M Klein, Chief Bankruptcy Judge

Date Filed: 09/03/2014

Date Order/Judgment:

08/21/2015

Date NOA Filed:

09/03/2015

Date Rec'd BAP:

09/08/2015

Prior Cases:

[15-1099](#) Date Filed: 03/31/2015 Date Disposed: 05/21/2015 Disposition: Dismissed; Judge order

Current Cases:

None

Panel Assignment: Not available

In re: NAEEM AHMAD
Debtor

NAEEM AHMAD
Appellant

Naeem Ahmad
[NTC Pro Se]
Firm: 916/230-5973
9352 Oreo Ranch Circle
Elk Grove, CA 95624

v.

JOHN R. ROBERTS, Chapter 7 Trustee
Appellee

John R. Roberts
Direct: 530-626-4732
[NTC Pro Se]
P.O. Box 1506
Placerville, CA 95667

BAYVIEW LOAN SERVICES, LLC
Appellee

Edward G. Schloss, Attorney
Direct: (310)733-4488
[COR LD NTC Retained]
EDWARD G. SCHLOSS LAW CORPORATION
Ste. 220
3637 Motor Ave.
Los Angeles, CA 90034-0000

UST- UNITED STATES TRUSTEE, SACRAMENTO
Appellee

Antonia G. Darling, Esquire
Direct: 916-930-2100
[COR LD NTC US Attorney]
OFFICE OF U.S. TRUSTEE
Suite 7-500
501 "I" Street
Sacramento, CA 95814

In re: NAEEM AHMAD

Debtor














NAEEM AHMAD

Appellant

v.

JOHN R. ROBERTS, Chapter 7 Trustee; BAYVIEW LOAN SERVICES, LLC; UST- UNITED STATES TRUSTEE, SACRAMENTO

Appellees

09/09/2015	 1 5 pg, 97.94 KB	Received notice of appeal filed in Bankruptcy Court on 09/03/2015, notice of referral, transmittal form and order on appeal. (VJ) [Entered: 09/09/2015 02:44 PM]
09/11/2015	 2 3 pg, 96.31 KB	Notice to all parties and Bankruptcy Court RE: BAP Case number assigned: EC-15-1303. Sent Bankruptcy Record Request Form to Bankruptcy Court. (VJ) [Entered: 09/11/2015 09:27 AM]
09/11/2015	 3 4 pg, 50.47 KB	Sent BRIEFING ORDER & NOTICE to appellant Naeem Ahmad. Copies to all parties. Appellant Naeem Ahmad's opening brief due 10/26/2015. (VJ) [Entered: 09/11/2015 09:39 AM]
09/11/2015	 4 2 pg, 58.64 KB	Notice of Deficiency sent to Appellant RE: Filing/ docketing fee not paid. for lack of prosecution. Re: Response Due: 09/25/2015. cc: All parties. (VJ) [Entered: 09/11/2015 09:46 AM]
10/09/2015	 5 2 pg, 44.44 KB	Order of Dismissal filed (Deputy Clerk: vjw), DISMISSED for lack of prosecution. Re: Filing/ docketing fee not paid ; [EOD] Date: 10/09/2015. (VJ) [Entered: 10/09/2015 09:01 AM]
10/09/2015	 6	CLOSED: Case closed: Default;Procedural termination without judicial action; 10/09/2015 15-1303 9th BAF Rule 8018(a)-2; dismissal; Clk O. (VJ) [Entered: 10/09/2015 09:48 AM]
10/15/2015	 7 8 pg, 199.49 KB	Filed 9/28/15 original of Appellant Naeem Ahmad's motion for fee waiver ; served on (No pos). (VJ) [Entered: 10/15/2015 09:35 AM]
11/03/2015	 8 2 pg, 41.64 KB	Filed order (TAYLOR, FARIS and JURY); This appeal is hereby ORDERED REINSTATED. No later than Tuesday, November 17, 2015, appellant must file with the BAP and serve on opposing counsel a written response indicating that a statement of issues, a designation of record, and a notice re transcripts have all been filed at the bankruptcy court. ;. (see attached order) (VJ) [Entered: 11/03/2015 11:43 AM]
11/20/2015	 9 7 pg, 127.37 KB	Filed Appellant Naeem Ahmad's original, response to order filed on 11/03/2015; copy of Designation of record , Statement of issues and Notice of transcripts Hearing dates: 1/28/15, 6/24/15 and 7/7/15. (copy filed in Bk.Ct 11/17/15) (VJ) [Entered: 11/24/2015 11:14 AM]
12/02/2015	 10 3 pg, 46.47 KB	Filed Clerk's Notice sent to Hon. Christopher M. Klein. On 12/15/15, the Panel will forward the request for IFP to the U.S. District Court for its consideration. An appeal may not be taken IFP if the trial court certifies in writing that is is not taken in good faith. This Clerk's Notice is being issued to allow the trial court the opportunity to "certify in writing that (the appeal) is not taken in good faith". (PI) [Entered: 12/02/2015 02:06 PM]
12/08/2015	 11 3 pg, 52.84 KB	Received from Bankruptcy Court copy of Certification that Appeal Not Taken in Good Faith for Purposes of 28 U.S.C. Section 1915(a)(3) filed in Bk. Ct. 12/07/2015. (VJ) [Entered: 12/08/2015 11:16 AM]
01/13/2016	 12 16 pg, 330.56 KB	Filed order (TAYLOR and KURTZ); appellant's 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. No later than Wednesday, February 10, 2016, 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 appellants have taken to have the IFP Motion considered by the district court. Appellant must file the opening brief and excerpts of the record no later than TWENTY-ONE days after entry of an order by the district court regarding appellant's IFP motion. (VJ) [Entered: 01/13/2016 12:51 PM]
03/08/2016	 13 16 pg, 330.56 KB	Re-Sent document to Sacramento District Court re:TRANSFERRED to the United States District Court for the Eastern District of California for the limited purpose of ruling on the IFP Motion. (VJ) [Entered: 03/08/2016 12:22 PM]

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Documents and Docket Summary

Documents Only

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Billable Pages:	2	Cost:	0.20
Exempt Flag:	Exempt	Exempt Reason:	Always