

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GRACE MILES,

Appellant,

v.

ROYCE MAKISHIMA, et al.,

Apellees.

No. C-08-4375 MMC

**ORDER DENYING APPELLANT'S  
CORRECTED REQUEST FOR DIRECT  
APPEAL CERTIFICATION**

Before the Court is appellant Grace Miles's ("Miles") "Corrected Request for Direct Appeal Certification," filed October 9, 2008, by which Miles seeks an order certifying for appeal the Bankruptcy Court's August 4, 2008 Order Denying Motion to Vacate and Denying Leave to File Motion for Reconsideration. Having read and considered the papers filed in support of the request, the Court deems the matter suitable for decision thereon, see Civ. L.R. 7-1(b), hereby VACATES the hearing scheduled for November 21, 2008, and rules as follows.

A district court may certify for appeal to the court of appeals a judgment, order, or decree of a bankruptcy judge (1) that "involves a question of law as to which there is no controlling decision of the court of appeals for the circuit or of the Supreme Court of the United States, or involves a matter of public importance;" (2) that "involves a question of law requiring resolution of conflicting decisions;" or (3) where "an immediate appeal from

1 the judgment, order, or decree may materially advance the progress of the case or  
2 proceeding in which the appeal is taken.” See 28 U.S.C. § 158(d)(2)(A).

3 Here, Miles relies primarily on the first of the above-referenced three grounds.<sup>1</sup> (See  
4 Pl.’s Request at 4.) Miles has failed to make an adequate showing, however, that the  
5 above-referenced order of the Bankruptcy Court “involves a question of law as to which  
6 there is no controlling decision . . . or involves a matter of public importance.” See §  
7 158(d)(2)(A)(i).

8 Accordingly, the Corrected Request is hereby DENIED.

9 **IT IS SO ORDERED.**

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11 Dated: October 22, 2008

  
MAXINE M. CHESNEY  
United States District Judge

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<sup>1</sup>Although Miles cites to all three subsections of § 158(d)(2)(A), she provides argument only as to the first.