

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

No. C-13-3624 MMC

In re

Bankruptcy Case No. 13-30374

KISHORE KRIPALANI,

Debtor

**ORDER DENYING APPELLANT'S  
REQUEST FOR EMERGENCY HEARING  
ON STAY PENDING DECISION ON  
APPEAL**

Before the Court is appellant Kishore Kripalani's ("Kripalani") Request for Emergency Hearing on Stay Pending Appeal, filed October 17, 2013, by which Kripalani again seeks a hearing by this Court on his earlier-filed Request for Staying Pending Appeal of the Bankruptcy Court's order finding an unlawful detainer action by appellee Wells Fargo Bank, N.A. against Kripalani is not subject to the automatic stay provisions of the Bankruptcy Code. Having read and considered the instant request, the Court rules as follows.

As set forth in the Court's Order of October 7, 2013, a district court, "in determining whether an appellant is entitled to a stay pending appeal" under Rule 8005 of the Federal Rules of Bankruptcy Procedure, "does not consider the matter in the first instance, but, rather, reviews the bankruptcy court's denial of a request for a stay for abuse of discretion." (See Order, filed October 7, 2013, at 2:12-14.) Here, the Bankruptcy Court has not yet

1 heard Kripalani's request for a stay pending appeal. As Kripalani points out, the  
2 Bankruptcy Court has only denied Kripalani's request to have the hearing on shortened  
3 time.

4 Further, to the extent Kripalani again seeks in the alternative a stay "pending a  
5 hearing on the merits of the stay application" (see Request, filed October 17, 2013, at 2:5-  
6 7), such request is again unsupported by citation to any authority, nor has good cause  
7 otherwise been shown.

8 Accordingly, the instant request is hereby DENIED.

9 **IT IS SO ORDERED.**

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11 Dated: October 17, 2013

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MAXINE M. CHESNEY  
United States District Judge

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