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2  
3 IN THE UNITED STATES DISTRICT COURT  
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA

5  
6 Nos. C 13-1513 CW  
7 C 13-1888 CW  
8 In re: Bk. Nos. 12-32655-HLB  
9 Robert Franklin Van Zandt, 12-03183-HLB  
10 Debtor. 12-03184-HLB  
11 ORDER DISMISSING APPEALS  
12 (Case Nos. 13-1513 and  
13 13-1888)

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15 Debtor Robert Franklin Van Zandt has filed four separate  
16 appeals challenging orders of the Bankruptcy Court. Two of the  
17 cases Mr. Van Zandt has filed are appeals from orders denying  
18 motions to dismiss two separate adversary cases in the Bankruptcy  
19 Court. See BK No. 12-03183, Docket No. 37, BK No. 12-03184,  
20 Docket No. 29. "Because an order denying a motion to dismiss is  
21 an interlocutory order, there is no direct right of appeal."  
22 Betta Prods., Inc. v. Distributions Sys. & Servs., Inc. (In re  
23 Betta Prods.), 2007 U.S. Dist. LEXIS 81621, \*3 (N.D. Cal.).

24 District courts have the discretion to grant leave to appeal  
25 interlocutory bankruptcy court orders and may consider a notice of  
26 appeal as a motion for leave to appeal. 28 U.S.C. § 158(3); Fed.  
27 R. Bankr. P. 8003(c). In considering whether leave should be  
28 granted, the Court will look to 28 U.S.C. § 1292(b). In re Betta  
Prods., 2007 U.S. Dist. LEXIS 81621 at \*3; In re Sperna, 173 B.R.

1 654, 658 (9th Cir. BAP 1994). Pursuant to that section, review of  
2 an interlocutory order is appropriate when

3 such order involves a controlling question of law as to  
4 which there is substantial ground for difference of  
5 opinion and that an immediate appeal from the order may  
6 materially advance the ultimate termination of the  
7 litigation.

8 28 U.S.C. § 1292(b).

9 The Court finds that the Bankruptcy Court's orders denying  
10 Mr. Van Zandt's motions to dismiss these adversary proceedings  
11 fail to meet this standard. The Court construes Mr. Van Zandt's  
12 Notices of Appeal in Docket Nos. 13-1513 and 13-1888 to be motions  
13 for leave to appeal an interlocutory order and denies both  
14 motions. Accordingly, the Court DISMISSES Docket Nos. 13-1513 and  
15 13-1888.

16 IT IS SO ORDERED.

17 Dated: 5/1/2013

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19 CLAUDIA WILKEN  
20 United States District Judge  
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