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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 In re:

12 HERMAN LORNES, JR.,

13 Debtor.

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15 HERMAN LORNES, JR.,

16 Appellant,

17 v.

18 THOMAS H. BILLINGSLEA, chapter 13  
19 trustee; UNITED STATES TRUSTEE,

20 Appellees.

Case No.: 3:16-cv-02341-GPC-DHB

**ORDER DISMISSING  
BANKRUPTCY APPEAL WITHOUT  
PREJUDICE AS TO ITS  
REASSERTION TO THE UNITED  
STATES COURT OF APPEALS FOR  
THE NINTH CIRCUIT**

**[ECF No. 1.]**

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22 On September 13, 2016, Appellant Herman Lornes, Jr. (“Appellant”), proceeding  
23 *pro se*, filed a notice of appeal of the Bankruptcy Appellate Panel’s (“BAP’s”) September  
24 2, 2016 order dismissing his appeal for lack of prosecution. (Dkt. No. 1.) In error,  
25 Appellant elected to appeal the BAP’s order to the United States District Court for the  
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1 Southern District of California. (*Id.* at 1.<sup>1</sup>) The matter was subsequently transmitted to  
2 this Court for further proceedings. (Dkt. No. 1-2.)

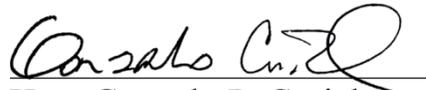
3 28 U.S.C. § 158(a) grants district courts jurisdiction to hear appeals from final  
4 decisions of bankruptcy courts. Pursuant to Section 158(b), the Ninth Circuit has  
5 established a BAP to hear and determine appeals from the bankruptcy courts. Section  
6 158(d) provides that “[t]he courts of appeals shall have jurisdiction of appeals from all  
7 final decisions, judgments, orders, and decrees entered under subsections (a) and (b) of  
8 this section.”

9 Because the BAP has already ruled on Appellant’s appeal in this case, this Court  
10 does not have jurisdiction to hear Appellant’s appeal of the BAP’s order. *See Benny v.*  
11 *England*, No. C-94-0073-CAL, 1994 WL 507441, at \*1 (N.D. Cal. Aug. 30, 1994)  
12 (holding the same). Appellant must appeal to the United States Court of Appeals for the  
13 Ninth Circuit. (*Id.*)

14 Accordingly, the Court **DISMISSES** Appellant’s appeal without prejudice as to its  
15 reassertion to the United States Court of Appeals for the Ninth Circuit.

16 **IT IS SO ORDERED.**

17 Dated: December 16, 2016

  
18 Hon. Gonzalo P. Curiel  
19 United States District Judge  
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28 <sup>1</sup> All citations to the record refer to the pagination generated by the CM/ECF system.