

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

Collette Claire Savage,

Debtor/Appellant,

v.

Mark Savage,

Appellee.

Case No.: 1:20-cv-00120-BLW

**MEMORANDUM DECISION
AND ORDER**

INTRODUCTION

Before the Court is Appellant Collette Claire Savage's motion to transfer this appeal to the Ninth Circuit's Bankruptcy Appellate Panel (BAP) (Dkt. 3). For the reasons set forth below, the Court will deny the motion.

ANALYSIS

Appellant Collette Savage seeks to have this appeal heard before the Ninth Circuit BAP. The Appellee, however, timely objected to having the appeal decided by the BAP. *See* Dkt. 1-8.

Under 28 U.S.C. § 158(c)(1)(B), either party to an appeal can elect to have an appeal from a bankruptcy court decision decided by a district court. To exercise that right, an appellee must file an election within 30 days after being served with the notice of appeal. Appellee Mark Savage complied with that rule. As such, this

Court has no authority to transfer the appeal back to the BAP. 28 U.S.C. § 158(c)(1)(B); *see also* Fed. R. Bankr. P. 8005; Dist. Idaho L. Bank. R. 8001.1(c)(2) (“Upon timely receipt of a written objection to an appeal being heard and determined by the BAP, jurisdiction over the appeal shall be immediately transferred to the district court”). Appellant’s motion will therefore be denied.

ORDER

IT IS ORDERED that Appellant’s Motion to Transfer this appeal to the BAP (Dkt. 3) is **DENIED**.



DATED: April 10, 2020

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill
U.S. District Court Judge