

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 Fidel Pajarillo,)
4)
5 Appellant,)
6 vs.)
7 JP Morgan Chase Bank, N.A., et al.)
8 Appellees.)
9)

Case No.: 2:13-cv-00674-GMN-CWH

ORDER

10 Pending before the Court is pro se Appellant Fidel Pajarillo’s Motion to Consolidate
11 Appeals (ECF No. 15) and concurrent request for extension of time to file his opening brief.

12 **I. BACKGROUND**

13 On April 22, 2013, a Notice of Appeal from Bankruptcy Court (ECF No. 1) was entered
14 before this Court as a result of an Election to Transfer (ECF No. 1-14) filed by Appellees
15 JPMorgan Chase Bank, N.A. and California Reconveyance Company pursuant to 28 U.S.C.
16 § 158(c)(1), Rule 8001(e)(1) of the Federal Rules of Bankruptcy Procedure, and Rule 8001(e)-1
17 of the Local Rules for the United States Bankruptcy Appellate Panel of the Ninth Circuit (“the
18 BAP”). See 28 U.S.C. § 158(c)(1); Fed. R. Bankr. P. 8001(e)(1); 9th Cir. BAP R. 8001(e)-1.

19 In his appeal, Appellant requests review of a March 2013 order of Judge Bruce Markell
20 of the United States Bankruptcy Court for the District of Nevada, entered in Appellant’s
21 Chapter 13 bankruptcy case (“the underlying case”). (Notice of Appeal, ECF No. 1-5; Am.
22 Notice of Appeal, ECF No. 1-15.) The underlying case had been closed in November 2012
23 and the Chapter 13 trustee had been discharged. (Notice of Appeal, ECF No. 1-5.) The order
24 closing the case cited Appellant’s failure to make plan payments as a basis for discharge, in
25 addition to Appellant’s repeated failure to comply with procedural requirements and to make

1 required appearances. (Id.) More than two months after the underlying case was closed,
2 Appellant filed a Motion to Reopen Case and Judge Markell denied it in March 2013. (Id.)
3 Appellant filed a deficient Notice of Appeal to the BAP, and before the BAP disposed of the
4 appeal on the basis of Appellant's failure to remedy the deficiency, Appellees filed their
5 Election to Transfer (ECF No. 1-14).

6 Upon the filing of the Notice of Appeal before this Court, Appellant was ordered to file
7 his opening brief in June 2013, and he subsequently sought and obtained four extensions, the
8 most recent of which set a deadline of September 30, 2013. (Min. Order, May 17, 2013, ECF
9 No. 6; First Mot. to Extend Time, ECF No. 7; Order, June 3, 2013, ECF No. 8; Second Mot. to
10 Extend Time, ECF No. 9; Third Mot. to Extend Time, ECF No. 10; Order, Aug. 1, 2013, ECF
11 No. 12; Fourth Mot. to Extend Time, ECF No. 13; Order, Sept. 19, 2013, ECF No. 14.)
12 However, instead of filing an opening brief, Appellant filed the instant Motion to Consolidate
13 (ECF No. 15) on September 26, 2013, referring to two other bankruptcy appeals he had filed
14 before the BAP, and for which no party has apparently elected to transfer.

15 **II. DISCUSSION**

16 Here, the Court finds that Appellant has presented no legal authority or claims justifying
17 a consolidation of the instant appeal with any other case pending in any other court. Even if
18 Appellant had sufficiently cited the appeals to which he refers, Appellant's conclusory
19 statement that "[t]hese appeals generally involve the same properties and parties," without
20 more, present no basis for the Court to consolidate the instant appeal with any other case.
21 Therefore, the Court cannot grant Appellant's request, and must deny his Motion to
22 Consolidate (ECF No. 15.)

23 In addition, Appellant conclusorily argues that "[t]he schedule for briefing should be
24 adjusted accordingly," and fails to present any cause for the Court's grant of any further
25 extensions to the deadline for the filing of his opening brief. This is insufficient to constitute

1 “good cause” for a fifth extension. Notwithstanding this failure, and in recognition of
2 Appellant’s pro se status, the Court will grant Appellant twenty-one days from the date of this
3 Order to file his opening brief. The Court finds that Appellant’s reliance on his pro se status as
4 his sole excuse for multiple procedural violations will no longer be sufficient to justify any
5 further relief. The rules governing bankruptcy appeals are all publicly available¹, and
6 Appellant’s failure to comply with these rules has developed into an apparent demonstration of
7 bad faith.

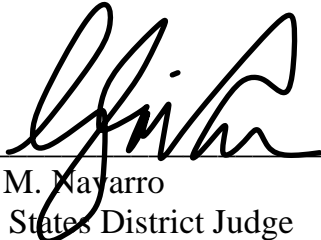
8 Accordingly, without more, the Court cannot find good cause for further non-
9 compliance, and will grant no further extensions. Appellant’s failure to file his opening brief
10 by November 4, 2013, and any further failure to comply with procedural requirements, will
11 result in dismissal of his appeal with prejudice, and this case will be closed.

12 **III. CONCLUSION**

13 **IT IS HEREBY ORDERED** that the Motion to Consolidate Appeals (ECF No. 15) is
14 **DENIED.**

15 **IT IS FURTHER ORDERED** that Appellant shall file his Opening Brief by November
16 4, 2013. Failure to do so by this date will result in dismissal of the appeal, and this case will be
17 closed.

18
19 **DATED** this 9th day of October, 2013.

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22 _____
Gloria M. Navarro
United States District Judge

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24 _____
25 ¹ See United States Code, Title 28, 28 U.S.C. §§ 157–158, the Federal Rules of Bankruptcy
Procedure, the Local Rules for the United States Bankruptcy Appellate Panel of the Ninth
Circuit, and the website for the United States Bankruptcy Court for the District of Nevada,
available at <http://www.nvb.uscourts.gov>.