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HAROLD S. MARENUS, CLERK
U.S. BKCY. APP. PANEL
OF THE NINTH CIRCUIT

NOT FOR PUBLICATION

UNITED STATES BANKRUPTCY APPELLATE PANEL
OF THE NINTH CIRCUIT

6	In re:)	BAP Nos.	EC-07-1163-JuNaMo
)		EC-07-1174-JuNaMo
7	BETSEY WARREN LEBBOS,)		EC-07-1203-JuNaMo
)		
8	Debtor,)	Bk. No.	06-22225
)		
9	<hr/>			
	BETSEY WARREN LEBBOS,)		
10)		
	Appellant,)		
11	v.)		
)		
12	LINDA SCHUETTE, Trustee,)	MEMORANDUM¹	
)		
13	Appellee.)		
)		

Argued and Submitted on October 26, 2007
at Sacramento, California

Filed - November 14, 2007

Appeal from the United States Bankruptcy Court
for the Eastern District of California

Honorable Robert S. Bardwil, Bankruptcy Judge, Presiding

Before: JURY, NAUGLE² and MONTALI, Bankruptcy Judges.

¹ This disposition is not appropriate for publication. Although it may be cited for whatever persuasive value it may have (see Fed. R. App. P. 32.1) it has no precedential value. See 9th Cir. BAP Rule 8013-1.

² Hon. David N. Naugle, U.S. Bankruptcy Judge for the Central District of California, sitting by designation.

1 **I. INTRODUCTION**

2 Debtor filed motions to (1) transfer venue of her chapter 7³
3 bankruptcy case from the Eastern District of California to the
4 Central District of California (EC-07-1163), (2) disqualify the
5 bankruptcy judge (EC-07-1174), and (3) dismiss her bankruptcy
6 case (EC -07-1203). The bankruptcy court denied the motions.
7 Debtor timely appealed. Because the orders appealed from were
8 interlocutory, we granted debtor leave to appeal. We find the
9 bankruptcy court did not abuse its discretion and therefore
10 AFFIRM.

11 **II. FACTS**

12 Debtor is a former attorney who practiced law in California
13 from 1975 until 1991 when she was disbarred. In February 1989,
14 she started a business, Lawyer Defend Yourself, which assisted
15 California lawyers with law office management plans, probation
16 compliance, and ethics and provided briefs and motions for
17 attorneys who represented themselves. Debtor sold her business
18 in May 2006 to Michael A. Doran, who had a law office in Redding,
19 California. Debtor moved to Redding at about the same time to
20 assist Doran in developing expertise for handling professional
21 responsibility issues for attorneys.

22 Debtor filed her voluntary chapter 7 petition on June 26,
23 2006. Linda Schuette was appointed trustee. Debtor attended her
24

25 ³ Unless otherwise indicated, all chapter, section and rule
26 references are to the Bankruptcy Code, 11 U.S.C. §§ 101-1532, and
27 to the Federal Rules of Bankruptcy Procedure, Rules 1001-9036, as
28 enacted and promulgated on the effective date of The Bankruptcy
Abuse Prevention and Consumer Protection Act of 2005, Pub. L.
109-8, 119 Stat. 23 (generally October 17, 2005).

1 first 341a meeting of creditors, but failed to produce documents
2 pursuant to the trustee's request. The trustee renewed her
3 request for documents and orally continued the 341a meeting.
4 Debtor never appeared at the continued 341a meeting. The record
5 reflects, and the trustee's attorney confirmed at oral argument
6 on this appeal, that the creditors meeting is still being
7 continued without her attendance.

8 At the time of her filing, debtor was being prosecuted for
9 the unauthorized practice of law in the Santa Clara County
10 Superior Court. Debtor was convicted and sentenced to electronic
11 monitoring for nine months in Santa Clara County. Her house
12 arrest commenced on August 28, 2006.

13 **A. Debtor Moved to Terminate the Appointment of the Trustee**
14 **and Disbar the Trustee's Attorney**

15 On October 30, 2006, the debtor sought to remove the trustee
16 and have the trustee's attorney disbarred by sending an ex parte
17 letter complaint to the bankruptcy judges in the Eastern District
18 of California. The judge assigned to her bankruptcy case
19 converted her letter complaint into a motion, and sua sponte set
20 the matter for briefing and a hearing. Following a hearing, the
21 bankruptcy court denied her motion on January 22, 2007, in its
22 Findings of Fact and Conclusions of Law, and subsequently denied
23 her motion for reconsideration. We have affirmed these rulings
24 in debtor's related appeals EC-07-1068 and EC-07-1119.

25 **B. Debtor Moved to Transfer Venue of her Bankruptcy Case**

26 One week after the court issued its ruling denying debtor's
27 motion to remove the trustee and disbar the trustee's attorney,
28 and seven months after her case was filed, debtor filed a motion

1 to change the venue of her bankruptcy case. Debtor alleged venue
2 was improper because she did not reside in, or do business in,
3 the Eastern District of California for 180 days prior to the
4 filing of her petition. She also alleged that the bankruptcy
5 judge assigned to her case was biased, she was disabled and could
6 not travel to the Eastern District since she was under house
7 arrest in Santa Clara County, and she could not afford to fly
8 witnesses to the Eastern District. The court heard the motion on
9 April 25, 2007, and denied debtor's motion at the hearing.

10 **C. Debtor Moved to Disqualify the Bankruptcy Judge**

11 On February 28, March 14, and March 16, 2007, debtor filed
12 numerous pleadings seeking to disqualify the bankruptcy judge
13 assigned to her case. The bankruptcy judge construed the
14 debtor's affidavit as a motion to disqualify him. The court
15 issued an order that required the debtor to give notice to the
16 trustee, the United States Trustee, and other parties in
17 interest, and set a briefing schedule.

18 Following a hearing, the bankruptcy court denied debtor's
19 motion on April 13, 2007, issuing detailed Findings of Fact and
20 Conclusions of Law.

21 **D. Debtor Moved to Dismiss her Bankruptcy Case**

22 On April 25, 2007, debtor filed a notice of motion and
23 motion to dismiss her petition on the grounds that she was never
24 presented with, never saw, and never signed her bankruptcy
25 petition. According to the debtor, her former attorney, or one
26 of his staff members, forged her signature on the petition. She
27 maintained that her creditors were better served by letting her
28 work out her own solutions with them. She set forth 39 errors on

1 her petition and contends that she never would have signed such a
2 "outrageously inaccurate petition."

3 Without reaching the merits, the bankruptcy court denied
4 debtor's motion because she failed to (1) serve creditors as
5 required by Rule 2002(a)(4); (2) file a separate notice of
6 hearing per Local Bankruptcy Rule 9014-1(d)(2); and (3) provide
7 proper notice for the time period for filing opposition per Local
8 Bankruptcy Rule 9014(f)(1)(ii).

9 **III. JURISDICTION**

10 The bankruptcy court had jurisdiction pursuant to 28 U.S.C.
11 §§ 1334 and 157(b)(1) and (2). We have jurisdiction under 28
12 U.S.C. § 158.

13 **IV. ISSUES**

14 1. Whether the court erred in finding that debtor waived her
15 right to object to the venue of her bankruptcy case in the
16 Eastern District.

17 2. Whether the court erred in denying debtor's motion to
18 transfer venue based upon the interest of justice or convenience
19 of the parties.

20 3. Whether the court erred in hearing the motion to disqualify
21 itself.

22 4. Whether the court erred in denying debtor's motion for
23 disqualification.

24 5. Whether the court erred in denying, on procedural grounds,
25 debtor's motion to dismiss her petition.

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1 **V. STANDARDS OF REVIEW**

2 A decision denying transfer of a bankruptcy case to another
3 district is reviewed for an abuse of discretion. Donald v. Curry
4 (In re Donald), 328 B.R. 192, 196 (9th Cir. BAP 2005).

5 A bankruptcy court's decision whether to grant a motion for
6 recusal is reviewed for an abuse of discretion. United States v.
7 Wilkerson, 208 F.3d 794, 797 (9th Cir. 2000); Goodwin v. Durkin
8 (In re Goodwin), 194 B.R. 214, 220 (9th Cir. BAP 1996).

9 A determination whether or not to dismiss a chapter 7 case
10 is reviewed for an abuse of discretion. Mendez v. Salven (In re
11 Mendez), 367 B.R. 109, 113 (9th Cir. BAP 2007).

12 "A bankruptcy court necessarily abuses its discretion if it
13 bases its ruling on an erroneous view of the law. The panel also
14 finds an abuse of discretion if it has a definite and firm
15 conviction the court below committed a clear error of judgment in
16 the conclusion it reached." Id. (citations omitted).

17 **VI. DISCUSSION**

18 Debtor chose to file her petition in the Eastern District of
19 California. However, once into her bankruptcy, debtor evidently
20 became dissatisfied with the process. Following adverse rulings
21 in her attempt to have the trustee removed and the trustee's
22 attorney disbarred, debtor unsuccessfully moved to have the venue
23 of her case changed, the bankruptcy judge disqualified, and her
24 case dismissed. We discuss each order appealed from separately.

25 **A. Transfer of Venue**

26 **1. Applicable Statutes and Standards for Transfer of Venue**

27 The venue options for debtors to select from are set forth
28 in 28 U.S.C. § 1408: (1) domicile; (2) residence; (3) principal

1 place of business in the United States; (4) principal assets in
2 the United States. Proper venue is determined by reference to
3 facts existing within the 180-day period prepetition. See 28
4 U.S.C. § 1408(a).

5 Debtor brought her motion to transfer venue pursuant to 28
6 U.S.C. § 1412, which provides for transfer of a case or
7 proceeding under title 11 to another district, in the interest of
8 justice or for the convenience of the parties. See 28 U.S.C.
9 §1412(a); see also Fed. R. Bankr. P. 1014(a). "The party urging
10 a change of venue has the burden of showing, by a preponderance
11 of the evidence, that the transfer is warranted. 'Courts have
12 broad discretion in deciding motions under 28 U.S.C. 1412, and
13 such requests must be reviewed on a case-by-case basis....'" In
14 re Custom Bldg. of Steamboat, Inc., 349 B.R. 39, 42 (Bankr. D.
15 Idaho 2005) (citation omitted).

16 When venue is improper, 28 U.S.C. § 1406 applies, and in
17 such cases, the court must dismiss, or in the interest of
18 justice, transfer to another federal court. See 28 U.S.C.
19 § 1406(a). "However, there is no bankruptcy-specific venue
20 statute similar to section 1406(a), requiring transfer or
21 dismissal of a case if venue is improper." United States Trustee
22 v. Sorrells (In re Sorrells), 218 B.R. 580, 585 (10th Cir. BAP
23 1998). Rather, the only bankruptcy-related authority is Rule
24 1014(a),⁴ which governs the dismissal and transfer of cases on

25
26 ⁴ Rule 1014(a) provides:

27 (a) Dismissal and Transfer of cases

28 (1) Cases filed in proper district. If a petition is
filed in a proper district, on timely motion of a party

(continued...)

1 the basis of venue. Id. "The majority of courts have held that,
2 if venue is contested and found to be improper, a bankruptcy
3 court may not retain the case, but rather must dismiss it or
4 transfer it pursuant to section 1406(a) and Bankruptcy Rule
5 1014(a)(2)." Id. at 586 (citations omitted).

6 Venue may be waived, however. Hoffman v. Blaski, 363 U.S.
7 335, 343 (1960) (stating that venue, like jurisdiction over the
8 person, may be waived); Block v. Citizens Bank of Tulsa (In re
9 Moss), 267 B.R. 834, 838 (8th Cir. BAP 2001) (same). Therefore,
10 as set forth below, in situations where a party has waived his or
11 her right to object to venue, a court may retain a bankruptcy
12 case.

13 **2. The Bankruptcy Court did not Err in Finding that Debtor**
14 **Waived Her Right to Object to Venue**

15 A party may waive its right to object to venue by consent or
16 conduct. For example, a debtor may waive any defect in venue by
17
18

19 ⁴(...continued)

20 in interest, and after hearing on notice to the
21 petitioners, the United States trustee, and other
22 entities as directed by the court, the case may be
23 transferred to any other district if the court
determines that the transfer is in the interest of
justice or for the convenience of the parties.

24 (2) Cases filed in improper district. If a petition is
25 filed in an improper district, on timely motion of a
26 party in interest and after hearing on notice to the
27 petitioners, the United States trustee, and other
28 entities as directed by the court, the case may be
dismissed or transferred to any other district if the
court determines that transfer is in the interest of
justice or for the convenience of the parties.

1 choosing the forum where to file the case.⁵ Moss, 267 B.R. at
2 839 (finding that debtor waives any defect in venue by filing the
3 case in the forum of choice); In re Fishman, 205 B.R. 147, 149
4 (Bankr. E.D. Ark. 1997) (same); see also In re Peachtree Lane
5 Assoc., Ltd., 206 B.R. 913, 917 (N.D. Ill. 1997) (finding that
6 venue is presumed to be proper in the district where a bankruptcy
7 case is filed, and the burden of proving otherwise is on the
8 party who has moved to transfer or dismiss the case); In re
9 Pettit, 183 B.R. 6, 8 (Bankr. D. Mass. 1995) (same).

10 A party's failure to raise the issue of improper venue in a
11 timely manner may also result in a waiver. See Fed. R. Bankr. P.
12 1014, Advisory Committee Note (1987) ("If a timely motion to
13 dismiss for improper venue is not filed, the right to object to
14 venue is waived."); see also 28 U.S.C. § 1406(b); Donald, 328
15 B.R. at 199 (noting that objections to venue need to be resolved
16 early in a case and may be waived if not timely raised); Bryan v.
17 Land (In re Land), 215 B.R. 398, 402-03 (8th Cir. BAP
18 1997) (finding that creditor's motion to change venue after plan
19 confirmation untimely when creditor had actual notice of
20 bankruptcy case). "What constitutes timely filing of such a
21 motion is not governed by a statutory or rule definition; whether
22 a motion to change venue has been timely filed depends on the
23 facts and circumstances presented in the particular case." Blagg

24
25 ⁵ We acknowledge that debtor contends that her bankruptcy
26 petition was forged and filed without her consent. However, the
27 bankruptcy court did not reach the merits of her argument due to
28 the procedural defects with her motion to voluntarily dismiss her
petition. Therefore, for purposes of this appeal, we must
presume that debtor consented to the filing of her petition in
the Eastern District of California.

1 v. Miller (In re Blagg), 223 B.R. 795, 802 (10th Cir. BAP
2 1998) (citations omitted).

3 Timeliness of the debtor's motion depends upon a number of
4 factors which the bankruptcy court observed. The debtor filed
5 her motion to transfer venue seven months after her filing and,
6 coincidentally, a short time after adverse rulings. Prior to the
7 motion, she participated actively in her Eastern District case.
8 Debtor attended the first 341a meeting of creditors in person
9 without objecting. She filed numerous pleadings regarding the
10 removal of the trustee and the disbarment of the trustee's
11 attorney, all prior to the time she moved for transfer of venue.
12 see In re Pickett, 330 B.R. 866, 871 (Bankr. M.D. Ga.
13 2005) (finding that United States Trustee's motions to transfer or
14 dismiss debtors' bankruptcy cases for improper venue were
15 untimely where there were sufficiently substantial developments
16 in the cases); In re Deabel, Inc., 193 B.R. 739, 743 (Bankr. E.D.
17 Pa. 1996) (finding that if "a party has submitted itself to the
18 jurisdiction of the court by litigating a matter of substance, or
19 if substantial developments have transpired in the case in
20 general,...waiver of an objection to venue could be found").

21 The court also considered the substantial work done by the
22 trustee and her attorney. See Blagg, 223 B.R. at 802 ("If the
23 transfer would result in fragmentation or duplication of
24 administration, increase expense, or delay closing of the estate,
25 such a factor would bear on the timeliness of the
26 motion.") (citation omitted).

27 Debtor cites Kiddie Rides USA, Inc. v. Elektro-Mobiltechnik
28 GMBH, 579 F.Supp. 1476, 1479 (C.D. Ill. 1984) for the proposition

1 that a waiver of the right to object to improper venue must be
2 clear and unequivocal. In Kiddie Rides, the district court
3 observed that a clear and unequivocal waiver of the right to
4 removal may occur when a defendant seeks some affirmative action
5 or relief in the state court as opposed to the mere filing of an
6 answer or general defense short of the merits. However, the
7 district court further explained that the “[d]efendant may not,
8 after having argued and lost an issue in state court, remove the
9 action to federal court for what is in effect an appeal of the
10 adverse decision.” Id. at 1480 (citations omitted).

11 The holding of Kiddie Rides supports the bankruptcy court’s
12 finding of waiver in this case. Debtor sought relief from her
13 debts by choosing to file her petition in the Eastern District of
14 California. Debtor did more than merely file her petition. She
15 participated in the 341a meeting and affirmatively sought the
16 removal of the trustee and the trustee’s attorney. Only after
17 the court denied her motion to remove the trustee and disbar the
18 trustee’s attorney, did debtor seek to transfer venue, disqualify
19 the bankruptcy judge and dismiss her case. Given the timing of
20 her motion and her extensive participation in her case, her
21 conduct falls squarely within the parameters of a clear and
22 unequivocal waiver set forth by Kiddie Rides.

23 In sum, we find no clear error in the bankruptcy court’s
24 finding that debtor’s motion was untimely and, therefore, she
25 waived her right to object to improper venue.

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1 **3. The Bankruptcy Court did not Err in Denying Debtor's**
2 **Motion to Transfer Venue Based upon the Interest of**
3 **Justice or Convenience of the Parties.**

4 Whether debtor's case was filed in a proper or improper
5 district, her case may be transferred to any other district if
6 the court determines that the transfer is in the interest of
7 justice or for the convenience of the parties. Fed. R. Bankr. P.
8 1014(a)(1) and (2); 28 U.S.C. § 1412.

9 In determining whether to transfer venue of a case, we have
10 said the "analysis of any combination of 'interest of justice'
11 and 'convenience of parties' under § 1412 is inherently factual
12 and necessarily entails the exercise of discretion based on the
13 totality of the circumstances, which includes considerations
14 regarding witnesses and the presentation of evidence." Donald,
15 328 B.R. at 204. Generally, a totality-of-circumstances analysis
16 for a change of venue include considerations such as (1)
17 proximity of creditors to the court; (2) proximity of debtor to
18 the court; (3) proximity of witnesses necessary to administration
19 of estate; (4) location of assets, (5) economic and efficient
20 administration of case, and (6) need for further administration
21 if liquidation ensues. Id. citing Puerto Rico v. Commonwealth
22 Oil Ref. Co. (In re Commonwealth Oil Ref. Co.), 596 F.2d 1239,
23 1247 (5th Cir. 1979); see also In re Enron Corp., 284 B.R. 376,
24 395 (Bankr. S.D.N.Y. 2002) (finding that the "most important of
25 these considerations is the economic and efficient administration
26 of the estate.") (chapter 11 case).

27 The bankruptcy court correctly viewed the law and analyzed
28 debtor's motion under the totality-of-circumstances test espoused
29 in Donald. Regarding the proximity of creditors to the court,

1 the court reviewed both the number of creditors as well as the
2 amount of their claims. The record shows that of debtor's six
3 listed unsecured creditors, at least three were located outside
4 both the Eastern District and the Central District. For example,
5 one creditor was in San Jose, another in Dallas, and another in
6 San Francisco. The court also noted that the only creditor who
7 had filed a claim, which was substantial, listed its address in
8 Merced, California. The court found that this factor, if
9 anything, supported retaining jurisdiction in the Eastern
10 District since the creditor with the largest claim was close to
11 the court. On this record, we can find no error with the court's
12 decision.

13 Regarding debtor's proximity to the court, the record shows
14 that debtor listed on her petition her residence address as 2122
15 E Street, Redding, California. Debtor also showed on her
16 Statement of Financial Affairs prior residences in Long Beach and
17 Ventura in 2005 and showed a business address in Redding from
18 February 1989 through May 2006. The record reflects that debtor
19 was placed under house arrest in Santa Clara County shortly after
20 her filing and was confined there until at least May 2007. Based
21 on these disclosures, the bankruptcy court's finding that there
22 was conflicting evidence regarding debtor's ultimate residence
23 was not clear error.

24 Regarding the location of assets, the court noted that the
25 trustee had asserted causes of action related to real property in
26 Southern California, but also was investigating assets in
27 Northern California. The record reflects that this factor did
28 not weigh heavily in favor of either retaining debtor's case in

1 the Eastern District or transferring it to the Central District
2 because the trustee's investigation was ongoing.

3 Lastly, we find that the record supports the court's finding
4 that the economic administration of the estate weighed heavily in
5 favor of retaining debtor's case because the trustee had done
6 substantial work and incurred substantial administrative expense
7 in the Eastern District. The bankruptcy court correctly
8 considered that the learning curve to bring a new trustee up to
9 speed would be duplicative and expensive for the estate. See
10 Enron Corp., 284 B.R. at 404 (noting that in considering both
11 the efficient administration of the estates and judicial economy,
12 it is also necessary to take account of the "learning curve.").

13 Given the record, we find no error in the bankruptcy court's
14 findings that a transfer of debtor's bankruptcy case to the
15 Central District was unwarranted under the totality-of-
16 circumstances. In sum, debtor failed to carry her burden on any
17 of the factors.

18 **B. Disqualification of the Judge**

19 **1. The Bankruptcy Judge did not Err in Hearing the Motion** 20 **to Disqualify**

21 The debtor contends that the bankruptcy judge whom she
22 sought to disqualify should not have heard her motion. However,
23 in the Ninth Circuit, a motion for disqualification under 28
24 U.S.C. § 455 is decided by the judge whose disqualification is
25 sought. Bernard v. Coyne (In re Bernard), 31 F.3d 842, 843 (9th
26 Cir. 1994). Therefore, we find that the bankruptcy judge
27 committed no error by hearing debtor's motion to disqualify
28 himself.

1 **2. The Bankruptcy Court did not Err in Denying Debtor's**
2 **Motion to Disqualify because the Debtor Failed to**
3 **Demonstrate Bias or Prejudice**

4 We start with the presumption that the bankruptcy judge is
5 impartial. First Interstate Bank of Arizona, N.A. v. Murphy,
6 Weir & Butler, 210 F.3d 983, 987 (9th Cir. 2000). The debtor had
7 the burden to prove otherwise.

8 Debtor sought disqualification of the bankruptcy judge
9 pursuant to 28 U.S.C. §§ 144⁶ and 455. "Any justice, judge, or
10 magistrate judge of the United States shall disqualify [himself]
11 in any proceeding in which [his] impartiality might reasonably be
12 questioned." 28 U.S.C. § 455(a). A judge shall also disqualify
13 himself where he has a "personal bias or prejudice concerning a
14 party." 28 U.S.C. § 455(b)(1). In reviewing the bankruptcy
15 judge's denial of debtor's disqualification motion for abuse of
16 discretion, "[t]he test is 'whether a reasonable person with
17 knowledge of all the facts would conclude that the judge's
18 impartiality might reasonably be questioned.'" Wilkerson, 208
19 F.3d at 797.

20 Generally, debtor infers bias and prejudice from the
21 bankruptcy judge's (1) adverse substantive rulings; (2) failure
22 to read her pleadings; (3) turning her letter complaint in the
23 attorney disciplinary proceeding into a motion; and (4) failure
24 to discuss all her allegations in its decisions regarding removal
25 of the trustee and disbarment of the trustee's attorney. The

26 ⁶ 28 U.S.C. § 144 is inapplicable to bankruptcy judges, as
27 it applies only to district court judges. Smith v. Grimmett (In
28 re Smith), 317 F.3d 918, 932 (9th Cir. 2002), cert. denied sub
nom, Smith v. Grimmett, 538 U.S. 1032 (2003).

1 bankruptcy court, in detailed Findings of Fact and Conclusions of
2 Law, addressed debtor's allegations of bias and prejudice one by
3 one. The judge confirmed that he had read debtor's pleadings,
4 explained his procedural handling of her ex parte letter
5 regarding the termination of the trustee and disbarment of the
6 trustee's attorney, and addressed debtor's contention that he
7 omitted many of her allegations from the opinion. The court also
8 noted that the debtor's arguments were unfounded and demonstrated
9 the debtor's dissatisfaction with the court's rulings.

10 A review of the record, and debtor's affidavit submitted in
11 support of her motion, demonstrate that debtor's primary reason
12 for seeking the judge's recusal was his adverse rulings against
13 her. It is well settled that adverse rulings by a judge are not
14 a proper ground for disqualification. Liteky v. United States,
15 510 U.S. 540, 555 (1994). "In and of themselves (i.e., apart
16 from surrounding comments or accompanying opinion), they cannot
17 possibly show reliance upon an extrajudicial source; and can only
18 in the rarest circumstances evidence the degree of favoritism or
19 antagonism required...when no extrajudicial source is involved.
20 Almost invariably, they are proper grounds for appeal, not for
21 recusal." Id.; see also F.J. Hanshaw Enter., Inc. v. Emerald
22 River Dev., Inc., 244 F.3d 1129, 1145 (9th Cir. 2001).

23 Based upon our review of the record, we conclude that a
24 reasonable person with knowledge of all the facts would neither
25 infer bias or prejudice nor otherwise question the bankruptcy
26 judge's impartiality. Therefore, we find that the bankruptcy
27 court did not abuse its discretion in denying debtor's motion for
28 disqualification.

1 **C. The Bankruptcy Court did not Err in Denying, on Procedural**
2 **Grounds, Debtor's Motion to Dismiss her Bankruptcy Case**

3 Debtor also moved to have her case dismissed. However,
4 debtor failed to (1) serve her creditors as required by Rule
5 2002(a)(4); (2) file a separate notice of hearing per Local
6 Bankruptcy Rule 9014-1(d)(2); and (3) provide proper notice for
7 the time period for filing opposition per Local Bankruptcy Rule
8 9014(f)(1)(ii). The rules require that debtor give proper notice
9 to all creditors and give them a proper time period to respond.
10 The bankruptcy court did not deny the motion with prejudice,
11 allowing debtor to renew her motion at any time.

12 We find the bankruptcy court did not abuse its discretion in
13 denying debtor's motion on procedural grounds.

14 **VII. CONCLUSION**

15 In sum, we find the bankruptcy court did not abuse its
16 discretion -- the standard of review -- for all the motions at
17 issue in this appeal. Accordingly, we AFFIRM.