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NOT FOR PUBLICATION

SUSAN M SPRAU, CLERK
U.S. BKCY. APP. PANEL
OF THE NINTH CIRCUIT

UNITED STATES BANKRUPTCY APPELLATE PANEL
OF THE NINTH CIRCUIT

In re:)	BAP No.	WW-12-1429-TaPaJu
)		
JESSICA SEYMOUR,)	Bk. No.	12-14039-TWD
)		
Debtor.)		
_____)		
)		
JESSICA SEYMOUR,)		
)		
Appellant.)	MEMORANDUM*	
_____)		

Submitted Without Oral Argument¹
on July 25, 2013

Filed - August 1, 2013

Appeal from the United States Bankruptcy Court
for the Western District of Washington

Honorable Timothy W. Dore, Bankruptcy Judge, Presiding

Appearances: Jessica Seymour, pro se, on brief.

Before: TAYLOR, PAPPAS, and JURY, Bankruptcy Judges.

* 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.

¹ After examination of the appellant's informal brief and the record, and after notice to the appellant, the Panel unanimously determined that oral argument was not necessary for this appeal and entered an order so providing on April 18, 2013. See Fed. R. Bankr. P. 8012.

1 **INTRODUCTION**

2 Jessica Seymour ("Debtor") moved to revoke her chapter 7
3 discharge.² The bankruptcy court entered an order denying her
4 motion. The Debtor appealed. We AFFIRM the bankruptcy court.

5 **FACTS**

6 The Debtor filed a pro se chapter 7 petition on April 19,
7 2012. On July 26, 2012, the Debtor received her bankruptcy
8 discharge pursuant to § 727. Four days later, on August 1, 2012,
9 the Debtor filed a motion to vacate her discharge ("Motion to
10 Vacate"). Among other things, she asserted that she recently
11 obtained information relating to mortgage fraud in connection
12 with the liens against her scheduled real property. She also
13 asserted that the bankruptcy court failed to advise her to
14 schedule a pending (and allegedly sealed) lawsuit, the outcome of
15 which could possibly benefit her creditors.

16 On August 8, 2012, the bankruptcy court entered an order
17 denying her motion. On August 21, 2012, the Debtor filed her
18 notice of appeal.

19 **JURISDICTION**

20 The bankruptcy court had jurisdiction pursuant to 28 U.S.C.
21 §§ 1334 and 157(b)(2)(A). We have jurisdiction under 28 U.S.C.
22 § 158.

23 **ISSUE**

24 Did the bankruptcy court err when it denied the Debtor's
25 Motion to Vacate?

26
27 ² Unless otherwise indicated, all chapter and section
28 references are to the Bankruptcy Code, 11 U.S.C. §§ 101-1532.

1 **STANDARD OF REVIEW**

2 We review the bankruptcy court's application of procedural
3 rules and construction of the Bankruptcy Code de novo. All
4 Points Cap. Corp. v. Meyer (In re Meyer), 373 B.R. 84, 87 (9th
5 Cir. BAP 2007).

6 **DISCUSSION**

7 The Debtor did not identify a legal basis for revocation of
8 discharge, either in her Motion to Vacate or on appeal.

9 To the extent that the Debtor sought relief under § 727(d),
10 the Debtor lacked standing to move for such relief based on the
11 clear language of the statute. See 11 U.S.C. § 727(d) (providing
12 that a chapter 7 trustee, a creditor, or the United States
13 Trustee may seek revocation of a chapter 7 debtor's discharge);
14 In re Kirksey, 433 B.R. 46, 49 (Bankr. D. Colo. 2010) (debtor is
15 not an approved party permitted to request revocation of
16 discharge under § 727(d)).

17 To the extent that the Debtor sought relief based on the
18 bankruptcy court's equitable powers under § 105(a), her motion
19 also fails; § 105 cannot be a basis for her requested relief.
20 See Disch v. Rasmussen, 417 F.3d 769, 778 (7th Cir. 2005)
21 ("[S]uch a broad interpretation of § 105(a) would make the list
22 of grounds for revoking a discharge found in § 727(d)
23 meaningless; anything not in the list could come in through the
24 back door of § 105(a)."); see also Loos v. Ayers (In re Loos),
25 2008 WL 8448070, at *5 (9th Cir. BAP Apr. 25, 2008) (same); Tan
26 v. Tranche 1 (SVP-AMC), Inc. (In re Tan), 2007 WL 7541007, at *8
27 (9th Cir. BAP Sept. 28, 2007) (same).

28 We liberally construe a pro se debtor's pleadings and

1 documents. See Nilsen v. Neilson (In re Cedar Funding, Inc.),
2 419 B.R. 807, 816 (9th Cir. BAP 2009). Here, however, the Debtor
3 presented no cognizable basis for relief. Further, while she
4 asserted that, due to alleged impediments purportedly beyond her
5 control, she previously failed to discover mortgage fraud, failed
6 to schedule certain assets, and otherwise failed to take actions,
7 revocation of her discharge would not assist the Debtor in
8 resolving these issues. Revocation of the Debtor's discharge,
9 thus, would be a futile and entirely unnecessary act.³
10 Therefore, the bankruptcy court did not err in denying the Motion
11 to Vacate.

12 **CONCLUSION**

13 Based on the foregoing, we affirm the bankruptcy court.
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25 ³ Instead, the Debtor should retain her discharge and
26 provide her chapter 7 trustee with information as to newly
27 discovered assets or other relevant matters. The trustee, then,
28 can decide whether any bankruptcy related action is appropriate,
and the Debtor can be assured that she fulfilled her obligations
to the bankruptcy system.