

JUN 05 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In the Matter of: ALEXIS MAGER
LAKUSTA,

Debtor,

ALEXIS MAGER LAKUSTA,

Appellant,

v.

MARK H. EVANS; SHARON LA
FOUNTAIN; ALVIN C. SILBERNAGEL,

Appellees.

No. 07-16596

D.C. No. CV-06-06105-PJH

MEMORANDUM *

Appeal from the United States District Court
for the Northern District of California
Phyllis J. Hamilton, District Judge, Presiding

Submitted January 12, 2009**

Before: KOZINSKI, Chief Judge, BROWNING and SKOPIL, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

The bankruptcy court's order declared Lakusta a vexatious litigant and enjoined him from further filings barred by collateral estoppel. We affirm that order because the bankruptcy court met all the procedural requirements set forth in *De Long v. Hennessey*, 912 F.2d 1144, 1146 (9th Cir. 1990).

We deny Lakusta's pending motions requesting additional time to object to Evans' request for sanctions, and we deny Evans' request for sanctions. We decline at this time to impose pre-filing restrictions on Lakusta with regard to future appeals. *See Moy v. United States*, 906 F.2d 467, 470 (9th Cir. 1990). We are concerned, however, that all three appeals Lakusta filed with this court were dismissed for failure to prosecute, and two were reinstated only after numerous unexplained delays. Thus, further appeals may be deemed frivolous and subject to monetary sanctions under Federal Rule of Appellate Procedure 38.

AFFIRMED.