

OCT 30 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In re: JON RICHARD BAER,

Debtor,

JON RICHARD BAER,

Appellant,

v.

PETER ARKISON, Chapter 7 Trustee,

Appellee.

No. 08-60043

BAP No. WW-08-1232

MEMORANDUM\*

Appeal from the Ninth Circuit  
Bankruptcy Appellate Panel  
Hollowell, Pappas, and Dunn, Bankruptcy Judges, Presiding

Submitted October 13, 2009\*\*

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\* 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).

Before: B. FLETCHER, LEAVY, and RYMER, Circuit Judges.

Jon Richard Baer, a chapter 7 debtor, appeals pro se from the Bankruptcy Appellate Panel's ("BAP") order dismissing his appeal as untimely under Federal Rule of Bankruptcy Procedure 8002(a). We have jurisdiction under 28 U.S.C. § 158(d). We review de novo, *Wiersma v. Bank of the West (In re Wiersma)*, 483 F.3d 933, 938 (9th Cir. 2007), and we affirm.

The BAP properly dismissed the appeal because Baer filed his notice of appeal more than ten days after entry of the bankruptcy court's order denying the motion for relief from judgment. *See* Fed. R. Bankr. P. 8002(a) (requiring that a notice of appeal "be filed with the clerk within 10 days of the date of the entry of the judgment, order, or decree appealed from."); *Green v. United States (In re Souza)*, 795 F.2d 855, 857 (9th Cir. 1986) (requiring strict compliance with Rule 8002(a)'s 10-day provision). Baer's arguments about impediments to filing the notice of appeal are unavailing. *See Green*, 795 F.2d at 855.

**AFFIRMED.**