

JAN 22 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In the Matter of: BETSEY WARREN
LEBBOS.

No. 09-15271

D.C. No. 2:08-cv-00912-FCD

BETSEY WARREN LEBBOS; et al.,

MEMORANDUM *

Appellants,

v.

LINDA SCHUETTE,

Appellee.

Appeal from the United States District Court
for the Eastern District of California
Frank C. Damrell, Jr., District Judge, Presiding

Submitted January 11, 2010**

Before: BEEZER, TROTT, and BYBEE, 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 concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Betsey Warren Lebbos, Thomas Carter, and Jason Gold appeal pro se from the district court's order affirming the bankruptcy court's default judgment against them as a sanction for their discovery abuses in an adversary action. We have jurisdiction pursuant to 28 U.S.C. § 158(d). We review independently the bankruptcy court's decision, *Leichty v. Neary (In re Strand)*, 375 F.3d 854, 857 (9th Cir. 2004), and we affirm.

The bankruptcy court did not abuse its discretion by imposing terminating sanctions because appellants engaged in discovery abuses that "threaten[ed] to interfere with the rightful decision of the case." *Valley Eng'rs Inc. v. Elec. Eng'g Co.*, 158 F.3d 1051, 1057 (9th Cir. 1998) (explaining factors courts should consider before imposing terminating sanctions) (citation omitted); *Visioneering Constr. & Dev. Co. v. U.S. Fid. & Guar. (In re Visioneering Constr.)*, 661 F.2d 119, 123 (9th Cir. 1981) (reviewing for an abuse of discretion the imposition of terminating sanctions by a bankruptcy court).

Appellants' remaining contentions are unavailing.

Lebbos's request for judicial notice is granted. George Alonso's request for judicial notice is denied.

AFFIRMED.