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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>In the Matter of: BETSEY WARREN LEBBOS.</p> <hr/> <p>BETSEY WARREN LEBBOS; et al.,</p> <p style="padding-left: 40px;">Appellants,</p> <p style="padding-left: 40px;">v.</p> <p>LINDA SCHUETTE,</p> <p style="padding-left: 40px;">Appellee.</p>
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No. 09-15271

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

MEMORANDUM *

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.