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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NOT FOR PUBLICATION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: HUNSDON CARY
STEWART,

Debtor.

No. 08-60012

BAP No. CC-07-01004-MoDBa

MEMORANDUM*

HUNSDON CARY STEWART,

Appellant,

v.

ROYA BATMANGHELICH,

Appellee.

Appeal from the Ninth Circuit
Bankruptcy Appellate Panel
Montali, Dunn, and Baum, Bankruptcy Judges, Presiding

Submitted March 16, 2010**

* 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).

Before: SCHROEDER, PREGERSON, and RAWLINSON, Circuit Judges.

Chapter 13 debtor Hunsdon Cary Stewart appeals pro se from the Bankruptcy Appellate Panel's ("BAP") order affirming the bankruptcy court's decision denying Stewart's objection to a proof of claim filed by his former wife, Roya Batmanghelich. We have jurisdiction pursuant to 28 U.S.C. § 158(d). We review independently the bankruptcy court's rulings on appeal from the BAP. *Diamant v. Kasparian (In re S. Cal. Plastics, Inc.)*, 165 F.3d 1243, 1245 (9th Cir. 1999). We affirm.

The bankruptcy court did not err when it denied Stewart's objections to Batmanghelich's proof of claim because Stewart failed to come forward with evidence that rebutted the proof of claim's prima facie validity. *See id.* at 1248 (stating that "debtor must come forward with evidence to rebut the presumption of validity" of a proof of claim).

Stewart's remaining contentions are unpersuasive.

AFFIRMED.