

JUN 07 2010

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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NOT FOR PUBLICATION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: PAUL HUPP,

Debtor.

PAUL HUPP,

Appellant,

v.

EDUCATIONAL CREDIT
MANAGEMENT CORPORATION,

Appellee,

UNITED STATES OF AMERICA,

Intervenor - Appellee.

No. 08-56403

D.C. No. 3:08-cv-00414-H-RBB

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Marilyn L. Huff, District Judge, Presiding

Submitted May 25, 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). Accordingly, Hupp's motion for oral argument is denied.

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Paul Hupp appeals pro se from the district court's judgment affirming the bankruptcy court's order after a bench trial regarding discharge of Hupp's student loans under 11 U.S.C. § 523(a)(8). We have jurisdiction pursuant to 28 U.S.C. § 158(d). We review de novo, *Rifino v. United States (In re Rifino)*, 245 F.3d 1083, 1087 (9th Cir. 2001), and we affirm.

The bankruptcy court properly determined that Hupp failed to establish that his current inability to repay the loans was likely to persist for a significant portion of the repayment period and that he had made a good faith effort to repay the loans. *See id.* at 1087 (outlining three-prong test for debtor to establish undue hardship under 11 U.S.C. § 523(a)(8)); *see also, Educ. Credit Mgmt. Corp. v. Mason (In re Mason)*, 464 F.3d 878, 885 (9th Cir. 2006) (concluding that debtor had not met his burden of establishing good faith in attempting to pay back his loans because he had not maximized his income and had not made adequate efforts to obtain full-time employment despite his educational background).

Hupp's remaining contentions are unpersuasive.

All pending motions are denied.

AFFIRMED.