

AUG 26 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In re: THE 12 PERCENT FUND I, LLC,

Debtor,

RODERICK McBROOM and THOMAS
G. JUNGHANS,

Appellants,

v.

DAVID M. REAVES, Chapter 11 Trustee;
et al.,

Appellees.

No. 08-60026

BAP No. 2:07-06481-SSC

MEMORANDUM*

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

Submitted August 10, 2010**

Before: HAWKINS, McKEOWN, and IKUTA, 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).

Roderick McBroom and Thomas S. Junghans appeal pro se from the Bankruptcy Appellate Panel's ("BAP's") order dismissing their interlocutory appeal of the bankruptcy court's order denying their motion to dismiss a chapter 11 bankruptcy case. We review de novo our own jurisdiction and whether a bankruptcy court's decision is final under 28 U.S.C. § 158(d). *Silver Sage Partners, Ltd. v. City of Desert Hot Springs (In re City of Desert Hot Springs)*, 339 F.3d 782, 787 (9th Cir. 2003). We dismiss.

The denial of a motion to dismiss a chapter 11 bankruptcy for bad faith is not a final decision over which we have appellate jurisdiction. *See id.* at 788-91. Moreover, we have no jurisdiction to consider whether the BAP's exercise of its discretion to decline jurisdiction was proper. *See id.* at 788.

Appellants' motions to extend time to file their reply brief are granted. The Clerk shall file the reply brief submitted on July 16, 2010.

DISMISSED.