

OCT 27 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROBERT C. KONOP,

Appellant,

and

OFFICIAL COMMITTEE OF
UNSECURED CREDITORS,

Creditor,

v.

HAWAIIAN AIRLINES, INC.,
Reorganiized Debtor - Chapter 11
Bankruptcy Case No. 03-00817,

Appellee,

and

JOSHUA GOTBAUM and OFFICE OF
THE U.S. TRUSTEE,

Trustees.

No. 08-16128

D.C. No. 1:07-cv-00223-DAE-
BMK

MEMORANDUM*

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Appeal from the United States District Court
for the District of Hawaii
David A. Ezra, District Judge, Presiding

Submitted October 19, 2010**

Before: O'SCANNLAIN, TALLMAN, and BEA, Circuit Judges.

Robert C. Konop appeals pro se from the district court's judgment affirming the bankruptcy court's order denying Konop's motion to amend or clarify his proof of claim. We have jurisdiction under 28 U.S.C. §158(d). We review decisions of the bankruptcy court independently without deference to the district court's determinations. *Leichty v. Neary (In re Strand)*, 375 F.3d 854, 857 (9th Cir. 2004). We affirm.

The bankruptcy court did not clearly err by finding that Konop's proof of claim did not include a request for equitable relief because the claim summary focused on monetary damages and included only a single, past-tense reference to equitable relief. *See Arrow Electronics, Inc. v. Justus (In re Kaypro)*, 218 F.3d 1070, 1073 (9th Cir. 2000) (bankruptcy court's findings of fact are reviewed for clear error). Further, the bankruptcy court did not abuse its discretion by denying

** The panel unanimously concludes this case is suitable for decision without oral argument. *See Fed. R. App. P. 34(a)(2)*. Accordingly, Konop's motion to have oral argument held in Pasadena, California, is denied.

Konop's motion to amend the proof of claim as untimely. *See Roberts Farms Inc. v. Bultman (In re Roberts Farms)*, 980 F.2d 1248, 1251 (9th Cir. 1992).

Konop's remaining contentions are unpersuasive.

Konop's request for judicial notice is denied.

AFFIRMED.