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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NOT FOR PUBLICATION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: DENNIS LABARRE
PIKE; KATHRYN LORETTA PIKE,

Debtors,

DENNIS LABARRE PIKE; KATHRYN
LORETTA PIKE,

Plaintiffs/
Appellants,

v.

JAMES J. JOSEPH, as trustee for the
estate of Dennis & Kathryn Pike,

Defendant/
Appellee.

No. 09-56266

D.C. No. 8:07-cv-01185-DOC

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
David O. Carter, District Judge, Presiding

Argued and Submitted November 4, 2010
Pasadena, California

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

Before: RAWLINSON and M. SMITH, Circuit Judges, and JONES, District Judge.**

Appellants Dennis and Kathryn Pike appeal the district court's order affirming the bankruptcy court's dismissal of their action seeking a declaratory judgment. The district court properly affirmed the bankruptcy court's dismissal of Appellants' action seeking declaratory relief because their claim was barred by issue preclusion. *See Alonso v. Summerville (In re Summerville)*, 361 B.R. 133, 143-44 (9th Cir. B.A.P. 2007) (describing issue preclusion). In the declaratory relief action, Appellants sought a determination that Dennis Pike's post-petition contribution of wages to satisfy trust deeds on their residence and post-petition work performed by Dennis Pike entitled Appellants to an equity interest in the real property.

However, earlier in the bankruptcy proceedings, Appellants brought an unsuccessful motion for allowance of an administrative claim predicated on exactly the same facts. Issue preclusion barred the declaratory relief action because the identical issue, based on the same facts, was decided in resolving the administrative claim. *See Frankfort Digital Servs. Ltd. v. Kistler (In re*

** The Honorable Robert Clive Jones, U.S. District Judge for the District of Nevada, sitting by designation.

Reynoso), 477 F.3d 1117, 1122 (9th Cir. 2007) (holding that issue preclusion bars relitigation of issues that have been adjudicated in an earlier proceeding).

AFFIRMED.¹

¹Because we affirm the district court's judgment on the basis of issue preclusion, there is no need to address the other issues raised by the parties.