

APR 23 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In re: FRED GEORGE LABANKOFF,

Debtor.

No. 10-60038

BAP No. 09-1294

FRED GEORGE LABANKOFF; et al.,

Appellants,

MEMORANDUM*

v.

GENERAL MOTORS ACCEPTANCE
CORPORATION; et al.,

Appellees.

Appeal from the Ninth Circuit
Bankruptcy Appellate Panel
Pappas, Jury, and Kwan, Bankruptcy Judges, Presiding

Submitted April 17, 2012**

Before: LEAVY, PAEZ, and BEA, 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).

Fred George Labankoff, Swetlana Labankoff, Ludmila Shpitj, and Shpitj Labankoff General Trust (“appellants”) appeal pro se from the Bankruptcy Appellate Panel’s (“BAP”) order affirming the bankruptcy court’s order abstaining from deciding an adversary proceeding against appellees and dismissing appellants’ adversary proceeding without prejudice. We dismiss.

We lack jurisdiction to review the bankruptcy court’s decision to abstain pursuant to 28 U.S.C. § 1334(c)(1). *See* 28 U.S.C. § 1334(d).

We also lack jurisdiction to review the denial of appellants’ motion to recuse the bankruptcy judge. *See Greene v. United States (In re Souza)*, 795 F.2d 855, 857 (9th Cir. 1986) (the notice of appeal from a bankruptcy court decision must be filed within the time provided by Bankruptcy Rule 8002).

Appellants’ request for judicial notice and motion to strike appellees’ opening brief are denied.

DISMISSED.