

OCT 15 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In re: JOSEPH COX FINLEY,

Debtor.

JOSEPH COX FINLEY,

Appellant,

v.

NANCY L. JAMES, Chapter 7 Trustee;
THOMAS R. DREILING;
FAGGIONATO FINE ARTS, LTD.;
TRUSTEES OF THE JOHN EDWARDS
DISCRETIONARY TRUST FOR
UNTITLED (POPE) 1950; R. BRUCE
JOHNSTON,

Appellees.

No. 11-60008

BAP No. 10-1305

MEMORANDUM*

Appeal from the Ninth Circuit

Bankruptcy Appellate Panel

Hollowell, Pappas, and Markell, Bankruptcy Judges, Presiding

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

Submitted October 9, 2013**
Seattle, Washington

Before: GRABER and MURGUIA, Circuit Judges, and BURY,*** District Judge.

Debtor Joseph Finley petitions for review of the Ninth Circuit Bankruptcy Appellate Panel's ("BAP") dismissal of his appeal for lack of standing. We affirm.

The BAP correctly determined that Debtor lacked standing to appeal the bankruptcy order authorizing the sale of an asset of the bankruptcy estate, because he was not a "person aggrieved" by the order. Fondiller v. Robertson (In re Fondiller), 707 F.2d 441 (9th Cir. 1983).

To have standing on appeal, a debtor carries the burden to "demonstrate that [he] was directly and adversely affected pecuniarily by the order of the bankruptcy court." Id. at 443. But Debtor presented no evidence in support of his assertion that a successful appeal could result in returning residual assets to him.

AFFIRMED.

** The panel unanimously concludes that this case is suitable for decision without oral argument. Fed. R. App. P. 34(a)(2).

*** The Honorable David C. Bury, United States District Judge for the District of Arizona, sitting by designation.