

DEC 31 2013

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>In re: CITY OF VALLEJO, CA,</p> <p style="text-align: center;">Debtor,</p> <hr/> <p>MICHAEL LIONEL,</p> <p style="text-align: center;">Appellant,</p> <p style="text-align: center;">v.</p> <p>CITY OF VALLEJO, CA; INTERNATIONAL ASSOCIATION OF FIREFIGHTERS IAFF UNION LOCAL 1186,</p> <p style="text-align: center;">Appellees.</p>
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No. 12-60042

BAP Nos. 12-1020, 12-1021

MEMORANDUM\*

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

Submitted December 17, 2013\*\*

Before: GOODWIN, WALLACE, and GRABER, 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).

Michael Lionel, a creditor and member of the International Association of Firefighters IAFF Union Local 1186 (“IAFF”), appeals pro se from the Bankruptcy Appellate Panel’s (“BAP”) order dismissing as moot his appeals of the bankruptcy court’s orders regarding a settlement agreement between Chapter 9 debtor City of Vallejo and IAFF. We have jurisdiction under 28 U.S.C. § 158(d). We review de novo a determination that an appeal from a bankruptcy court decision is moot.

*Nat’l Mass Media Telecomm. Sys., Inc. v. Stanley (In re Nat’l Mass Media Telecomm. Sys., Inc.)*, 152 F.3d 1178, 1180 (9th Cir. 1998). We affirm.

The BAP properly dismissed the appeals as moot because Lionel did not seek or obtain a stay pending appeal and the settlement agreement has been fully executed, including the distribution of funds to third parties, rendering the bankruptcy court unable to fashion effective and equitable relief. *See Motor Vehicle Cas. Co. v. Thorpe Insulation Co. (In re Thorpe Insulation Co.)*, 677 F.3d 869, 880-81 (9th Cir. 2012) (discussing equitable mootness).

Appellees’ motion for leave to file a limited surreply is denied.

**AFFIRMED.**