NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JAN 27 2014

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

In re: SCOTT C. TOWNLEY; STEPHANIE TASHIRO-TOWNLEY, Debtors, SCOTT C. TOWNLEY; STEPHANIE TASHIRO-TOWNLEY, Appellants, v. K. MICHAEL FITZGERALD, Trustee, Appellee.	No. 12-60001 BAP No. 10-1397 MEMORANDUM*

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

Submitted January 21, 2014**

Before: CANBY, SILVERMAN, and PAEZ, Circuit Judges.

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* 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).

Scott C. Townley and Stephanie Tashiro-Townley appeal pro se from the Bankruptcy Appellate Panel's ("BAP") judgment dismissing as moot their appeal from the bankruptcy court's order denying confirmation of their Chapter 13 plan and dismissing their case. 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 appeal as moot because the debtors failed to seek a stay of the foreclosure sale pending appeal. *See Onouli-Kona Land Co. v. Estate of Richards (In re Onouli-Kona Land Co.)*, 846 F.2d 1170, 1171 (9th Cir. 1988) ("Bankruptcy's mootness rule applies when an appellant has failed to obtain a stay from an order that permits a sale of a debtor's assets.").

The debtors' request, filed on March 9, 2012, that this court take judicial notice of a motion in another case is denied.

AFFIRMED.