

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 17 2014

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

RYAN MELCHER,

Appellant,

v.

JOHN W. RICHARDSON, Chapter 7
Panel Trustee,

Appellee.

No. 12-16035

D.C. No. 5:11-cv-00342-RMW

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Ronald M. Whyte, District Judge, Presiding

Submitted March 10, 2014**

Before: PREGERSON, LEAVY, and MURGUIA, Circuit Judges.

Ryan Melcher appeals pro se from the district court's judgment affirming the bankruptcy court's denial of reconsideration of an order permitting Chapter 7 Trustee John W. Richardson to sell real property free and clear of liens. We have

* 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).

jurisdiction under 28 U.S.C. § 158(d). We review independently the bankruptcy court's decision without deference to the district court's determinations, *Leichty v. Neary (In re Strand)*, 375 F.3d 854, 857 (9th Cir. 2004), and we affirm.

The bankruptcy court did not abuse its discretion by denying Melcher's motion for reconsideration because Melcher failed to establish a basis warranting reconsideration. *See* 11 U.S.C. § 363(f)(4) (explaining that a bankruptcy trustee may sell property free and clear of any interest in such property if such interest is in bona fide dispute); Fed. R. Bankr. P. 9024 (applying Fed. R. Civ. P. 60 to bankruptcy proceedings with limited exceptions); *Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (setting forth the standard of review and grounds for reconsideration under Rule 60(b)).

Melcher's contentions regarding the validity of an alleged trust agreement and whether the judgment in his state court case should be voided are unpersuasive.

AFFIRMED.