

**NOT FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

**FILED**

MAY 06 2015

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

**In re: HILDY JEAN ORTIZ; MARCUS  
ALONZO NIETO,**

Debtors,

**JAMES PATRICK CHANDLER,**

Appellant,

v.

**JAN P. JOHNSON, Chapter 13 Trustee;  
HILDY JEAN ORTIZ; MARCUS  
ALONZO NIETO; UST - UNITED  
STATES TRUSTEE,**

Appellees.

No. 13-60011

BAP No. 11-1643

**MEMORANDUM\***

**In re: HARVEY P. MICKELSEN;  
STEPHANIE B. MICKELSEN,**

Debtors,

**JAMES PATRICK CHANDLER,**

No. 13-60012

BAP No. 12-1017

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

Appellant,

v.

**JAN P. JOHNSON, Chapter 13 Trustee;  
UST - UNITED STATES TRUSTEE,  
Sacramento,**

Appellees.

**In re: BEN LEANDO DYE; KAELYN  
MARIE DYE,**

Debtors,

No. 13-60013

BAP No. 12-1016

**JAMES PATRICK CHANDLER,**

Appellant,

v.

**JAN P. JOHNSON; BEN LEANDO  
DYE; KAELYN MARIE DYE,**

Appellees.,

**SEAN GJERDE.**

**In re: HARVEY P. MICKELSEN;  
STEPHANIE B. MICKELSEN,**

Debtors,

No. 13-60014

BAP No. 12-1019

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**JAMES PATRICK CHANDLER,**

Appellant,

v.

**JAN P. JOHNSON, Chapter 13 Trustee;  
UST - UNITED STATES TRUSTEE,  
Sacramento,**

Appellees.

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**In re: BEN LEANDO DYE; KAELYN  
MARIE DYE,**

Debtors,

No. 13-60015

BAP No. 11-1641

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**JAMES PATRICK CHANDLER,**

Appellant,

v.

**JAN P. JOHNSON; BEN LEANDO  
DYE; KAELYN MARIE DYE,**

Appellees.,

**SEAN GJERDE.**

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**In re: HARVEY P. MICKELSEN;  
STEPHANIE B. MICKELSEN,**

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No. 13-60016

Debtors,

BAP No. 12-1018

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**JAMES PATRICK CHANDLER,**

Appellant,

v.

**JAN P. JOHNSON, Chapter 13 Trustee;  
UST - UNITED STATES TRUSTEE,  
Sacramento,**

Appellees.

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**In re: HILDY JEAN ORTIZ; MARCUS  
ALONZO NIETO,**

No. 13-60017

Debtors,

BAP No. 12-1015

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**JAMES PATRICK CHANDLER,**

Appellant,

v.

**JAN P. JOHNSON, Chapter 13 Trustee;  
HILDY JEAN ORTIZ; MARCUS  
ALONZO NIETO; UST - UNITED  
STATES TRUSTEE,**

Appellees.

Appeals from the Ninth Circuit  
Bankruptcy Appellate Panel  
Kirscher, Dunn and Jury, Bankruptcy Judges, Presiding

Submitted April 16, 2015\*\*  
San Francisco, California

Before: **KOZINSKI** and **GRABER**, Circuit Judges and **BENSON**,\*\*\* Senior District Judge.

The Bankruptcy Appellate Panel correctly dismissed Chandler’s appeals of the bankruptcy court’s entry of a default judgment of contempt against him. Chandler was clearly apprised of the contempt proceedings and the bankruptcy court’s entry of a default judgment of contempt. However, he didn’t move the bankruptcy court to set aside the entry of the default judgment or for relief from the default judgment. See Fed. R. Civ. P. 55(c), 60(b). An appeal “cannot be used as a substitute’ for these procedures.” Consorzio Del Prosciutto Di Parma v. Domain Name Clearing Co., 346 F.3d 1193, 1195 (9th Cir. 2003) (quoting Rohauer v. Friedman, 306 F.2d 933, 937 (9th Cir. 1962)); see also In re Lam, 192 F.3d 1309, 1311 (9th Cir. 1999) (per curiam) (“[A] party may not challenge the entry of

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

\*\*\* The Honorable Dee V. Benson, Senior District Judge for the U.S. District Court for the District of Utah, sitting by designation.

default in the first instance in an appellate court; rather, a party must first file an appropriate motion in the court where the default was entered.”).

**AFFIRMED.**