

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 18 2017

FOR THE NINTH CIRCUIT

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

In re: YAN SUI,

No. 15-60065

Debtor.

BAP No. 15-1200

YAN SUI,

MEMORANDUM\*

Appellant,

v.

RICHARD ALAN MARSHACK,

Appellee.

Appeal from the Ninth Circuit  
Bankruptcy Appellate Panel  
Dunn, Kurtz, and Pappas, Bankruptcy Judges, Presiding

Submitted May 8, 2017\*\*

Before: REINHARDT, LEAVY, and NGUYEN, Circuit Judges.

Chapter 7 debtor Yan Sui appeals pro se from an order of the Bankruptcy Appellate Panel (“BAP”) dismissing as moot Sui’s appeal of the bankruptcy

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

court's order approving the sale of real property. We have jurisdiction under 28 U.S.C. § 158(d). We review de novo the BAP's determination that a bankruptcy appeal 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 Sui's appeal as moot because the property at issue was conveyed to a third party which prevented the BAP from granting effective relief. *See id.* at 1180-81 (affirming dismissal on the basis of mootness where the sale of the property to a non-party prevented the court from granting effective relief).

Because Sui's appeal is moot, we do not consider his arguments addressing the underlying merits of the appeal.

All pending requests and motions are denied.

**AFFIRMED.**