

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES TRUSTEE, William T. Neary, <i>Appellant,</i> v. KERAVISION, INC., <i>Debtor-Appellee.</i>
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No. 03-16067
D.C. No.
CV-03-00210-CRB
JUDGMENT
ORDER

Appeal from the United States District Court
for the Northern District of California
Charles R. Breyer, District Judge, Presiding

Argued and Submitted
February 9, 2005—San Francisco, California

Filed September 7, 2005

Before: J. Clifford Wallace, Johnnie B. Rawlinson, and
Carlos T. Bea, Circuit Judges.

COUNSEL

Eric D. Miller (briefed and argued), and Robert M. Loeb (briefed), United States Department of Justice, Washington, D.C., for the appellant.

Peter M. Gilhuly (briefed and argued), Kathryn M. Davis (briefed), and Eric D. Brown (briefed), Latham & Watkins LLP, Los Angeles, California, for the appellee.

ORDER

We affirm the judgment entered by the district court for the reasons stated in its opinion approving the appointment of the law firm. *See In re Keravision, Inc.*, 273 B.R. 614 (N.D. Cal. 2002).¹ The trustee did not raise the rules of professional responsibility in challenging the law firm's appointment before the district court. *See id.* at 618. Therefore, we decline to address that issue on appeal. *See United States v. Alisal Water Corp.*, 370 F.3d 915, 923 (9th Cir. 2004).

AFFIRMED.

¹We have jurisdiction over this appeal because the order awarding attorneys' fees is a final determination of the payment to be distributed to Latham from the estate. *See Yermakov v. Fitzsimmons (In re Yermakov)*, 718 F.2d 1465, 1469 (9th Cir. 1983).

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