

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

In the Matter of: CATHY COLEMAN,
Debtor.

EDUCATIONAL CREDIT MANAGEMENT
CORPORATION,
Appellant,

v.

CATHY COLEMAN,
Appellee.

No. 06-16477

D.C. No.
CV-05-05231-SC
Northern District
of California,
San Francisco

ORDER

Filed August 22, 2008

Before: Diarmuid F. O'Scannlain and
Michael Daly Hawkins, Circuit Judges, and James V. Selna,*
District Judge.

ORDER

Because the bankruptcy court's denial of Educational Credit's motion to dismiss was an interlocutory order, this court lacks jurisdiction to consider the appeal from the district court's order affirming that decision. *See Stanley v. S.S. Retail Stores Corp. (In re S.S. Retail Stores Corp.)*, 162 F.3d 1230, 1232 (9th Cir. 1998), and *Belo Broad. v. Rubin (In re Rubin)*, 693 F.2d 73, 74 (9th Cir. 1982). The Opinion filed on August 1, 2008 is vacated and the case is remanded for the limited purpose of allowing the district court to determine whether to

*The Honorable James V. Selna, United States District Judge for the Central District of California, sitting by designation.

certify this issue for appeal under 28 U.S.C. § 1292(b). *See, e.g., Goodson v. Rowland (In re Pintlar Corp.)*, 133 F.3d 1141, 1143 (9th Cir. 1998); *Koehler v. Bank of Bermuda Ltd.*, 101 F.3d 863, 864 (2d Cir. 1996) (purpose of 1292(b) is to allow the Court of Appeals to “rule on . . . ephemeral question[s] of law that m[ight] disappear in the light of a complete and final record.”).

If the district court determines that certification is appropriate, we will construe the previously filed notice of appeal in this docket as a timely request for permission to appeal pursuant to Fed. R. App. P. 5. Upon issuance of the district court’s ruling on remand, we will determine whether to dismiss this appeal for lack of jurisdiction or to grant permission to file the interlocutory appeal.

SO ORDERED.

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