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NOT FOR PUBLICATION

SUSAN M. SPRAUL, CLERK
U.S. BKCY. APP. PANEL
OF THE NINTH CIRCUITUNITED STATES BANKRUPTCY APPELLATE PANEL
OF THE NINTH CIRCUIT

In re: MICHAEL ERWIN MILES, Debtor.	BAP No. WW-26-1014-SLB Bk. No. 2:25-bk-12487-TWD
MICHAEL ERWIN MILES, Appellant, v. JASON WILSON-AGUILAR, Chapter 13 Trustee, Appellee.	MEMORANDUM*

Appeal from the United States Bankruptcy Court
for the Western District of Washington
Timothy W. Dore, Bankruptcy Judge, Presiding

Before: SPRAKER, LAFFERTY, and BRAND, Bankruptcy Judges.

Chapter 13¹ debtor Michael Erwin Miles commenced this appeal on January 20, 2026, by filing a notice of appeal in the bankruptcy court. In his notice of appeal, Miles stated multiple times that he is appealing from the order dismissing his chapter 13 case. He attached to his notice of appeal a

* This disposition is not appropriate for publication. Although it may be cited for whatever persuasive value it may have, *see* Fed. R. App. P. 32.1, it has no precedential value, *see* 9th Cir. BAP Rule 8024-1.

¹ Unless specified otherwise, all chapter and section references are to the Bankruptcy Code, 11 U.S.C. §§ 101–1532.

copy of the dismissal order, which was entered on January 7, 2026.² On that same day, the bankruptcy court also entered an order denying Miles' objection to the priority claim of his wife for \$85,733.84 in domestic support obligations. Miles has not filed a notice of appeal from the order denying his claim objection.

In March 2026, Miles filed his opening brief. In contrast to his notice of appeal, which only referred to the case dismissal order, his appeal brief only referred to and discussed the claim objection order.

The claim objection order is beyond the scope of this appeal. A case dismissal order and a claim objection order are both final orders that are separately appealable. *See, e.g., Bevan v. Socal Commc'ns Sites, LLC (In re Bevan)*, 327 F.3d 994, 995-97 (9th Cir. 2003); *see also Lane v. Bank of N.Y. Mellon (In re Lane)*, 959 F.3d 1226, 1230 (9th Cir. 2020) (stating that orders on claim objections are final and appealable); *Poonja v. Alleghany Props. (In re Los Gatos Lodge, Inc.)*, 278 F.3d 890, 894 (9th Cir. 2002) (same). When two orders are final and separately appealable, and do not merge into each other, the failure to appeal one of those orders prevents appellate review of the order not appealed. *See, e.g., Whitaker v. Garcetti*, 486 F.3d 572, 585 (9th Cir. 2007); *TAAG Linhas Aereas de Angola v. Transamerica Airlines, Inc.*, 915 F.2d 1351, 1354 (9th Cir. 1990). This is the case here; the dismissal order and

² On January 15, 2026, Miles filed in the bankruptcy court an emergency motion for stay pending appeal. Like the notice of appeal, the emergency stay motion identifies the order on appeal as the dismissal order. The bankruptcy court denied Miles' request for a stay pending appeal.

the claim objection order are separate orders that did not merge. Because Miles did not appeal from the claim objection order, we cannot address the arguments in his appeal brief challenging that order.³ We lack jurisdiction to review a final, appealable order unless a timely notice of appeal is filed. *Wilkins v. Menchaca (In re Wilkins)*, 587 B.R. 97, 107 (9th Cir. BAP 2018).⁴

Miles did timely appeal from the case dismissal order. However, none of the arguments in his appeal brief address that order. He argues that the bankruptcy court committed reversible error in issuing the claim objection order because the court did not address internal inconsistencies in his wife's proof of claim and in the documents attached to that proof of claim. He likewise argues that the court improperly treated the entire

³ At oral argument before this Panel, Miles did not dispute that he failed to appeal from the claim objection order.

⁴ Even if we had authority or discretion to review the claim objection order (which we do not), there are other major impediments to meaningful review of that order. For instance, the claim objection order specified that the court's findings of fact and conclusions of law were set forth orally at the conclusion of the January 7, 2026 hearing on the claim objection. But Miles did not order or present to us the transcript from that hearing, so we have no means of understanding the court's claim objection ruling on which to base our review. Additionally, Miles failed to sufficiently identify his wife as a party to this appeal, by not providing the necessary information to enable the BAP Clerk's office to docket his wife (or her counsel) as parties. As a result, neither Miles' wife nor her counsel received from the BAP Clerk copies of the notices and orders issued by the BAP in this matter. Finally, the bankruptcy court docket indicates that the arguments Miles asserted in his December 4, 2025 claim objection did not include the arguments he has presented on appeal. On the record available to us, it is unclear whether any of his arguments on appeal were either timely or sufficiently presented to enable the bankruptcy court to address them. These additional impediments to review bolster our conviction that we cannot and should not make any attempt to substantively review the claim objection order.

amount of his wife’s claim as a § 507(a)(1) priority claim for domestic support obligations. According to Miles, the court should have determined whether (or which parts of) that claim fell within the scope of the term “domestic support obligation” as defined in § 101(14A). Because Miles failed to present any arguments specifically and distinctly challenging the case dismissal order, he has forfeited any such arguments for purposes of this appeal. *See Kurtin v. Ehrenberg (In re Elieff)*, 637 B.R. 612, 621 n.7 (9th Cir. BAP 2022) (citing *Christian Legal Soc’y v. Wu*, 626 F.3d 483, 487–88 (9th Cir. 2010)), *aff’d*, 2023 WL 2203564 (9th Cir. Feb. 24, 2023).

We acknowledge that Miles is appearing in this appeal pro se.⁵ We further recognize that a certain amount of leniency is afforded to pro se appellants in prosecuting their appeals. *See Balistreri v. Pacifica Police Dep’t*, 901 F.2d 696, 699 (9th Cir. 1988), *partially overruled on other grounds by Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007). But even pro se appellants generally must follow the rules. *See Warrick v. Birdsell (In re Warrick)*, 278 B.R. 182, 187 (9th Cir. BAP 2002) (citing *Briones v. Riviera Hotel & Casino*, 116 F.3d 379, 382 (9th Cir. 1997)). And the jurisdictional requirement of a timely-filed notice of appeal is not something we have discretion to ignore. *See In re Wilkins*, 587 B.R. at 107.

As for our review of the case dismissal order, we are not free to conduct an independent review of the order on appeal untethered from the

⁵ Miles was represented by counsel in the bankruptcy court.

arguments raised and developed by the appellant. Rather, the parties to the appeal “frame the issues for decision, and we may entertain only those arguments bearing a fair resemblance to the case shaped by the parties.” *AMA Multimedia, LLC v. Wanat*, 970 F.3d 1201, 1214 (9th Cir. 2020) (citation modified) (citing *United States v. Sineneng-Smith*, 590 U.S. 371, 375, 380 (2020)), *partially overruled on other grounds by Briskin v. Shopify, Inc.*, 135 F.4th 739 (9th Cir. 2025) (en banc). Because Miles failed to present or develop any arguments on appeal arising from the case dismissal order, there is nothing under the circumstances of this matter for us to review.

Notwithstanding the fatal defects in Miles’ appeal, appellee chapter 13 trustee has briefed and argued the substantive correctness of the case dismissal order. According to trustee, the bankruptcy court dismissed the case because Miles was delinquent (1) in his \$7,000 monthly plan payments to the tune of \$18,307.72, and (2) in his direct payments to his wife for postpetition spousal maintenance of \$3,000 per month. Though Miles has disputed whether he should be required to pay either his wife or trustee these amounts, there is no question that each plan and amended plan Miles proposed provided for these monthly payments. Nor was there any genuine dispute that he was delinquent on these payments. To the extent Miles suggested at oral argument that he was making sufficient payments, there is nothing in the record to support this contention.

For the reasons set forth above, we AFFIRM the bankruptcy court’s case dismissal order.