

FILED

MAY 7 2018

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In re: ADAM LEE,

Debtor,

ADAM LEE,

Plaintiff-Appellant,

v.

DANE S. FIELD, Trustee,

Defendant-Appellee.

No. 16-15108

D.C. No.

1:15-cv-00472-SOM-BMK

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
Susan O. Mollway, District Judge, Presiding

Submitted February 15, 2018**
Honolulu, Hawaii

Before: O'SCANNLAIN, CLIFTON, and IKUTA, Circuit Judges.

* 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).

Chapter 7 debtor Adam Lee appeals the district court's order dismissing as moot Lee's appeal from the bankruptcy court's order approving a sale of real property. We have jurisdiction under 28 U.S.C. § 158(d)(1).

Lee concedes that, because he did not obtain a stay of the sale order, 11 U.S.C. § 363(m) bars him from undoing the sale in this appeal. *See In re Onouli-Kona Land Co.*, 846 F.2d 1170, 1171 (9th Cir. 1988). No exception to the § 363(m) mootness rule is applicable in this context. *See In re Filtercorp, Inc.*, 163 F.3d 570, 576–77 (9th Cir. 1998).

We decline to exercise our discretion to grant the trustee's request that we impose sanctions on Lee.

AFFIRMED.