

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 25 2021

FOR THE NINTH CIRCUIT

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

In re: CLIFFORD ALLEN BRACE, Jr.,

No. 21-55153

Debtor,

D.C. No. 5:20-cv-01641-JGB

CLIFFORD ALLEN BRACE, Jr.,

MEMORANDUM*

Appellant,

v.

STEVEN M. SPEIER, Chapter 7 Trustee,

Appellee.

Appeal from the United States District Court
for the Central District of California
Jesus G. Bernal, District Judge, Presiding

Submitted August 17, 2021**

Before: SILVERMAN, CHRISTEN, and LEE, Circuit Judges.

Clifford Allen Brace, Jr. appeals pro se from the district court's order affirming the bankruptcy court's July 22, 2020 civil contempt order against Brace.

* 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).

We have jurisdiction under 28 U.S.C. § 158(d)(1). We review de novo a district court's decision on appeal from a bankruptcy court, and apply the same standard of review the district court applied to the bankruptcy court's decision. *Christensen v. Tucson Estates, Inc. (In re Tucson Estates, Inc.)*, 912 F.2d 1162, 1166 (9th Cir. 1990). We affirm.

The bankruptcy court did not abuse its discretion in finding Brace in civil contempt for violating the automatic stay because the trustee showed by clear and convincing evidence that Brace knew of the automatic stay and refused to cure his violation. *See Knupfer v. Lindblade (In re Dyer)*, 322 F.3d 1178, 1191 (9th Cir. 2003) (a party seeking an order of contempt has the burden to show by clear and convincing evidence that the contemnor violated the automatic stay (citation and internal quotation marks omitted)).

We reject as without merit Brace's contentions that the bankruptcy court lacked jurisdiction and that the bankruptcy judge was biased against him.

Brace's motion for stay (Docket Entry No. 7) is denied.

AFFIRMED.