

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 25 2023

FOR THE NINTH CIRCUIT

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

In re: CHRISTOPHER PAUL RABALAIS,

No. 21-60025

Debtor,

BAP No. 20-1216

CHRISTOPHER PAUL RABALAIS,

MEMORANDUM*

Appellant,

v.

SETH LEON,

Appellee.

Appeal from the Ninth Circuit
Bankruptcy Appellate Panel
Gan, Faris, and Lafferty III, Bankruptcy Judges, Presiding

Submitted April 17, 2023**

Before: CLIFTON, R. NELSON, and BRESS, Circuit Judges.

Christopher Paul Rabalais appeals pro se from the decision of the

* 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).

Bankruptcy Appellate Panel affirming the bankruptcy court's order allowing creditor Seth Leon to dismiss voluntarily an adversary proceeding. We have jurisdiction under 28 U.S.C. § 158(d). We review de novo the bankruptcy court's conclusions of law and for clear error its findings of fact. *Decker v. Tramiel (In re JTS Corp.)*, 617 F.3d 1102, 1109 (9th Cir. 2010). We affirm.

The bankruptcy court did not abuse its discretion by allowing Leon to dismiss voluntarily his adversary complaint because Rabalais failed to show legal prejudice. *See Smith v. Lenches*, 263 F.3d 972, 975 (9th Cir. 2001) (setting forth standard of review and stating a court “should grant a motion for voluntary dismissal under Rule 41(a)(2) unless a defendant can show that it will suffer some plain legal prejudice as a result.”).

We reject as meritless Rabalais's contentions concerning res judicata and whether the judgment debt is dischargeable.

AFFIRMED.