

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 19 2023

FOR THE NINTH CIRCUIT

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

In re: LINDA MARIE RUTHERFORD,

No. 21-60059

Debtor,

BAP No. 21-1074

JOANNIE TANG-FOK,

MEMORANDUM*

Appellant,

v.

E. LYNN SCHOENMANN, Chapter 7
Trustee; LINDA MARIE RUTHERFORD,

Appellees.

Appeal from the Ninth Circuit
Bankruptcy Appellate Panel
Gan, Taylor, and Brand, Bankruptcy Judges, Presiding

Submitted May 16, 2023**

Before: BENNETT, MILLER, and VANDYKE, Circuit Judges.

Joannie Tang-Fok appeals pro se from the Bankruptcy Appellate Panel's

* 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).

(“BAP”) judgment affirming the bankruptcy court’s order granting Linda Marie Rutherford, a Chapter 7 debtor, discharge under 11 U.S.C. § 727(a). We have jurisdiction under 28 U.S.C. § 158(d). We review de novo a decision of the BAP, and we review the underlying bankruptcy court decision applying the same standard of review the BAP did. *In re Hutchinson*, 15 F.4th 1229, 1232 (9th Cir. 2021). We affirm.

The bankruptcy court properly granted a discharge to Rutherford because Tang-Fok failed to file a complaint objecting to the discharge of Rutherford’s debt or seeking to except specific debt from discharge. *See Kontrick v. Ryan*, 540 U.S. 443, 448 n.3 (2004) (noting that time restrictions to file a complaint objecting to discharge of any debt under 11 U.S.C. § 727(a) or particular debts under 11 U.S.C. § 523(c) are “practical[ly] identi[cal]”); *In re Kennerley*, 995 F.2d 145, 146 (9th Cir. 1993) (explaining that bankruptcy rules impose strict time limits for filing complaints to determine dischargeability of debts).

AFFIRMED.