

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 24 2023

FOR THE NINTH CIRCUIT

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

In re: ARA HUNANYAN,

No. 21-56208

Debtor,

D.C. No. 2:21-cv-06064-AB

ARA HUNANYAN,

MEMORANDUM*

Appellant,

v.

NANCY ZAMORA, Chapter 7 Trustee,

Appellee.

Appeal from the United States District Court
for the Central District of California
Andre Birotte, Jr., District Judge, Presiding

Submitted July 18, 2023**

Before: SCHROEDER, RAWLINSON, and BADE, Circuit Judges.

Ara Hunanyan, a Chapter 7 debtor, appeals pro se from the district court's judgment dismissing as untimely his appeal from the bankruptcy court's order

* 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).

granting the Chapter 7 trustee's motion to approve compromise. We have jurisdiction under 28 U.S.C. § 158(d). We review de novo. *In re Delaney*, 29 F.3d 516, 517-18 (9th Cir. 1994). We reverse and remand.

The district court found Hunanyan's notice of appeal untimely because it was filed more than 14 days after the bankruptcy court entered the order granting the trustee's motion to approve compromise. *See* Fed. R. Bankr. P. 8002(a)(1) (notice of appeal must be filed within 14 days of the date of the entry of the judgment or order). However, Hunanyan timely filed a motion to reconsider the bankruptcy court's order, which tolled the time limitation for filing a notice of appeal until the bankruptcy court denied the motion. *See* Fed. R. Bankr. P. 8002(b)(1)(B) (if a party files a motion under Federal Rule of Bankruptcy 9023, the time to file an appeal runs from the entry of the order disposing of that motion); *In re Weston*, 41 F.3d 493, 495 (9th Cir. 1994) ("In this circuit, a motion for reconsideration is considered to be a Bankruptcy Rule 9023 motion and tolls the time limitation for filing a notice of appeal."). Because Hunanyan timely filed his notice of appeal within 14 days of the bankruptcy court's denial of his motion for reconsideration, the district court erred in dismissing Hunanyan's appeal as untimely.

All pending requests in the briefing are denied.

REVERSED and REMANDED.