

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 19 2024

FOR THE NINTH CIRCUIT

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

In re: KIMBERLY MARTIN-BRAGG,

No. 23-55102

Debtor,

D.C. No. 2:22-cv-03463-JGB

IVAN RENE MOORE,

MEMORANDUM*

Appellant,

v.

KIMBERLY MARTIN-BRAGG,

Appellee.

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

Submitted January 17, 2024**

Before: S.R. THOMAS, McKEOWN, and HURWITZ, Circuit Judges.

Ivan Rene Moore appeals pro se from the district court's order dismissing

* 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). Moore's request for oral argument, set forth in the opening brief, is denied.

his appeal from the bankruptcy court's order denying his request for an evidentiary hearing or discovery. We must consider sua sponte whether an order is final and appealable. *Sahagun v. Landmark Fence Co., Inc. (In re Landmark Fence Co., Inc.)*, 801 F.3d 1099, 1102 (9th Cir. 2015). We dismiss.

We lack jurisdiction over this appeal because the bankruptcy court's order was not final and, unlike the district court, this court lacks discretion to consider interlocutory appeals. *See SS Farms, LLC v. Sharp (In re SK Foods, L.P.)*, 676 F.3d 798, 802 (9th Cir. 2012) (providing that a bankruptcy court order is final if it “resolves and seriously affects substantive rights and . . . finally determines the discrete issue to which it is addressed” (citation and internal quotation marks omitted)); *Silver Sage Partners, Ltd. v. City of Desert Hot Springs (In re City of Desert Hot Springs)*, 339 F.3d 782, 787-88 (9th Cir. 2003) (explaining that “[i]t is within the discretion of the district court . . . to hear interlocutory appeals” from bankruptcy courts but “courts of appeals only have jurisdiction to review the ‘final decisions, judgments, orders and decrees’ entered by . . . district courts” (citing 28 U.S.C. § 158(d)).

All pending motions are denied.

DISMISSED.