

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 23 2024

FOR THE NINTH CIRCUIT

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

In re: PETERS & FREEDMAN,

No. 22-55385

Debtor.

D.C. No. 3:21-cv-01251-DMS-DEB

DAVID PETERS,

MEMORANDUM*

Appellant,

v.

ZACHARY R. SMITH; JAMES R.
MCCORMICK, Jr.; KYLE E. LAKIN;
CHRISTINA BAINE DEJARDIN,

Appellees.

Appeal from the United States District Court
for the Southern District of California
Dana M. Sabraw, District Judge, Presiding

Submitted December 17, 2024**

Before: WALLACE, GRABER, and BUMATAY, Circuit Judges.

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

David Peters, an attorney, appeals pro se from the district court's order affirming the bankruptcy court's order imposing sanctions. We have jurisdiction under 28 U.S.C. § 158(d). We review de novo the district court's decision on appeal from the bankruptcy court without deference to the district court. *Motor Vehicle Cas. Co. v. Thorpe Insulation Co. (In re Thorpe Insulation Co.)*, 677 F.3d 869, 879 (9th Cir. 2012). We review for an abuse of discretion an award of sanctions. *Miller v. Cardinale (In re DeVille)*, 361 F.3d 539, 547 (9th Cir. 2004). We affirm.

The bankruptcy court did not abuse its discretion by imposing sanctions on Peters under Bankruptcy Rule 9011 because Peters acted in bad faith and with an improper purpose in filing his bankruptcy petition. *See* Fed. R. Bankr. P. 9011; *Dressler v. The Seeley Co. (In re Silberkraus)*, 336 F.3d 864, 870 (9th Cir. 2003) (discussing when sanctions are warranted under Rule 9011).

Appellees' motion for judicial notice (Docket Entry No. 43) is granted.

Peters's motion for injunctive relief (Docket Entry No. 50) is denied.

AFFIRMED.