

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 24 2024

FOR THE NINTH CIRCUIT

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

In re: ARTEM KOSHKALDA,

No. 23-60031

Debtor.

BAP No. 23-1022

ARTEM KOSHKALDA,

MEMORANDUM*

Appellant,

v.

E. LYNN SCHOENMANN, Chapter 7
Trustee,

Appellee.

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

Submitted December 17, 2024**

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

Chapter 7 debtor Artem Koshkalda appeals pro se from the Bankruptcy

* 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).

Appellate Panel’s (“BAP”) judgment affirming the bankruptcy court’s order denying him leave to file pleadings under a vexatious litigant order. We have jurisdiction under 28 U.S.C. § 158(d). We review de novo the BAP’s decision and apply the same standard of review that the BAP applied to the bankruptcy court’s ruling. *Boyajian v. New Falls Corp. (In re Boyajian)*, 564 F.3d 1088, 1090 (9th Cir. 2009). We affirm.

The bankruptcy court did not abuse its discretion in denying Koshkalda’s application for leave to file an adversary proceeding because the proposed filing was within the scope of the vexatious litigant order. *In re Fillbach*, 223 F.3d 1089, 1090 (9th Cir. 2000) (setting forth standard of review); *West v. Proconier*, 452 F.2d 645, 646 (9th Cir. 1971) (concluding that an order refusing to authorize filing of complaint was a “proper exercise of the district court’s authority to effectuate compliance with its earlier order”).

We do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.