

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

In re Jordana M. Bauman

No. 24-CV-1564 JLS (BLM) (S.D. Cal. Mar. 14, 2025) · No. 24-CV-1564 JLS (BLM) · Decided March 14, 2025

SUMMARY

The United States District Court for the Southern District of California orders pro se appellant Mel Marin to perfect his bankruptcy appeal by April 3, 2025. The court warns that failure to comply with Federal Rule of Bankruptcy Procedure 8009 may result in dismissal and vacates the remaining briefing deadlines pending perfection of the record.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Janis L. Sammartino
JURISDICTION	United States District Court for the Southern District of California
DECIDED	March 14, 2025
DOCKET	24-CV-1564 JLS (BLM)
DISPOSITION	other
PROCEDURAL POSTURE	Bankruptcy appeal in which the appellant repeatedly failed to perfect the appellate record as required by Federal Rule of Bankruptcy Procedure 8009. The district court issued an order to show cause and granted a final extension to perfect the appeal.
PRECEDENTIAL VALUE	Nonprecedential procedural order
PARTIES	Mel Marin v. Michael Koch

TOPICS

- appellate procedure
- bankruptcy
- civil procedure

PRACTICE AREAS

- bankruptcy
- federal appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether the appellant should be required to perfect the bankruptcy appeal in compliance with Federal Rule of Bankruptcy Procedure 8009 after repeated deficiencies in transmitting the record.
2. Whether the court should vacate existing briefing deadlines pending perfection of the appellate record.

HOLDINGS

1. The appellant was ordered to perfect the record on appeal in accordance with Federal Rule of Bankruptcy Procedure 8009 by April 3, 2025; failure to do so could result in dismissal of the appeal.
2. All other briefing deadlines were vacated pending the appellant's perfection of the appellate record.

KEY QUOTATIONS

“The Court cautions Appellant again that failure to perfect his appeal, this time by April 3, 2025, may result in dismissal of this appeal.” (at 2)

FACTUAL BACKGROUND

Marin filed an appeal from an underlying bankruptcy matter and submitted materials that did not satisfy the requirements for transmitting the record on appeal. The record was not submitted on electronic media in the required manner, and a later submission contained multiple PDF files collectively exceeding 35 MB. Despite prior extensions and instructions, the appeal remained unperfected.

PROCEDURAL HISTORY

Mel Marin filed a bankruptcy appeal on September 4, 2024, followed by motions for in forma pauperis status, stays, extensions, and clarification. The district court granted in forma pauperis status, denied the requested stays, and repeatedly ordered Marin to perfect the record under Rule 8009. After notices that the appeal remained unperfected because the electronic record was improperly submitted and exceeded the applicable size limit, the court ordered Marin to perfect the appeal by April 3, 2025, vacated all other briefing deadlines, and warned that failure to comply could result in dismissal.

DISPOSITION

other

CASES CITED

- Omstead v. Dell, Inc., 594 F.3d 1081, 1084 (9th Cir. 2010)
- In re Marsh, 9 F. App'x 727, 729 (9th Cir. 2001)