

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Harold T. Ocker v. Elizabeth Ocker

Ocker · No. CV-25-04149-PHX-KML; CV-25-04259-PHX-KML · Decided January 7, 2026

SUMMARY

The United States District Court for the District of Arizona determined that two appeals arising from the same bankruptcy ruling were duplicative. Because the certificate of readiness had been filed in the later appeal, the court dismissed the earlier appeal, CV-25-04149-PHX-KML, and directed that future proceedings occur in CV-25-04259-PHX-KML. The court also reminded the self-represented appellant that documents must be properly filed and that his opening brief was due within 14 days of January 5, 2026.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Krissa M. Lanham
JURISDICTION	United States District Court for the District of Arizona
DECIDED	January 7, 2026
DOCKET	CV-25-04149-PHX-KML; CV-25-04259-PHX-KML
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant filed two notices of appeal from related bankruptcy-court rulings. The district court determined that the appeals were duplicative, dismissed the earlier appeal in CV-25-4149, and directed that proceedings continue in CV-25-4259.
PRECEDENTIAL VALUE	unknown
PARTIES	Harold T. Ocker v. Elizabeth Ocker

TOPICS

- appellate procedure
- bankruptcy
- civil procedure

PRACTICE AREAS

- bankruptcy
- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether two appeals from related bankruptcy-court rulings were duplicative and whether one appeal should therefore be dismissed.
2. Whether documents and communications sent to the court's chambers email address constituted properly filed documents.

HOLDINGS

1. The two appeals were duplicative because both sought review of the bankruptcy court's denial of Harold Ocker's motion for relief from judgment or order; therefore, one appeal had to be dismissed.
2. Documents or communications sent to the court's chambers email address, which may be used only to submit proposed orders, are not properly filed and will not be considered unless filed through the proper filing process.

KEY QUOTATIONS

“A party may not send any other type of document or communication to that address. Sending documents to that address does not result in the documents being filed and the court will only consider documents that have been properly filed.” (at 2)

“Although Harold is proceeding without counsel, he is reminded that he “must follow the same rules of procedure that govern other litigants.”” (at 2)

“Because the two cases are duplicative and the certificate of readiness has been filed in CV-25-4259, that appeal will continue and the earlier filed appeal, CV-25-4149, is dismissed.” (at 3)

FACTUAL BACKGROUND

The bankruptcy court denied Ocker's motion concerning an amended objection to a joint motion to approve a settlement agreement. Ocker then filed one appeal from the November 4 order and another from the November 5 minute entry, both of which sought review of the denial of his motion for relief. The district court found the appeals duplicative and noted that the certificate of readiness had been filed in CV-25-4259 but not in CV-25-4149.

PROCEDURAL HISTORY

The bankruptcy court held a hearing on November 4, 2025, construed Harold Ocker's amended objection as a motion for relief from judgment or order under Bankruptcy Rule 9024, and denied the motion on the record. The bankruptcy court issued a written ruling on November 4 and docketed a minute entry on November 5. Ocker filed separate appeals from the two rulings. After directing the parties to address consolidation, the district court concluded that both appeals sought review of the same denial, retained CV-25-4259 because its certificate of readiness had been filed, and dismissed CV-25-4149.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

The appeal in CV-25-4149 was dismissed, all future proceedings were directed to occur in CV-25-4259, and the clerk was ordered to docket the order in both cases. The appellant was reminded that his opening brief in CV-25-4259 must be received within 14 days of January 5, 2026.

CASES CITED

- King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987)
- Lacey v. Maricopa County, 693 F.3d 896 (9th Cir. 2012)

INSTRUCTIONS FOR AN AI ASSISTANT

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