

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

February 7, 2018

Elisabeth A. Shumaker
Clerk of Court

GALEN LEMAR AMERSON; FRANCES
MOORER SCOTT,

Petitioners - Appellants,

v.

UNITED STATES BANKRUPTCY
COURT, District of Colorado,

Respondent - Appellee.

No. 17-1406
(D.C. No. 1:17-CV-02177-RBJ)
(D. Colo.)

ORDER AND JUDGMENT*

Before MATHESON, KELLY, and MURPHY, Circuit Judges.**

Plaintiffs-Appellants Frances Moorer Scott and Galen Lemar Amerson appeal from the district court's judgment denying their petition for a writ of mandamus and dismissing the case with prejudice. Having jurisdiction under 28 U.S.C. § 1291, we affirm.

The petitioners sought an order directing the clerk of the bankruptcy court to transfer that court's files to the district court for the purpose of a de novo review of

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

** After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

certain bankruptcy court orders. The district court viewed the petition as either an untimely attempt to appeal a bankruptcy order (and reconsideration) or a motion to withdraw the reference to the bankruptcy court. The district court also noted that the underlying issues had been resolved against petitioners. See In re Amerson, 839 F.3d 1290 (10th Cir. 2016), cert. denied sub nom. Scott v. King, 138 S. Ct. 121 (2017).

For substantially the same reasons, the judgment is

AFFIRMED.

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge