

United States Court of Appeals
For the Eighth Circuit

No. 21-2102

In re: Donald Henderson Scott; Carolyn Yvonne Scott

Debtors

Donald Henderson Scott; Carolyn Yvonne Scott

Appellants

v.

Julie Anderson, counsel for Mila Homes, LLC

Appellee

Appeal from the United States Bankruptcy
Appellate Panel for the Eighth Circuit

Submitted: February 18, 2022
Filed: March 16, 2022
[Unpublished]

Before COLLTON, SHEPHERD, and GRASZ, Circuit Judges.

PER CURIAM.

**United States Court of Appeals
For The Eighth Circuit**
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329
St. Louis, Missouri 63102

Michael E. Gans
Clerk of Court

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March 16, 2022

Ms. Carolyn Yvonne Scott
P.O. Box 901284
Kansas City, MO 64190

Mr. Donald Henderson Scott
P.O. Box 901284
Kansas City, MO 64190

RE: 21-2102 Donald Scott, et al v. Julie Anderson

Dear Ms. Scott and Mr. Scott:

The court has issued an opinion in this case. Judgment has been entered in accordance with the opinion. The opinion will be released to the public at 10:00 a.m. today. Please hold the opinion in confidence until that time.

Please review Federal Rules of Appellate Procedure and the Eighth Circuit Rules on post-submission procedure to ensure that any contemplated filing is timely and in compliance with the rules. Note particularly that petitions for rehearing and petitions for rehearing en banc must be received in the clerk's office within 14 days of the date of the entry of judgment. Counsel-filed petitions must be filed electronically in CM/ECF. Paper copies are not required. No grace period for mailing is allowed, and the date of the postmark is irrelevant for pro-se-filed petitions. Any petition for rehearing or petition for rehearing en banc which is not received within the 14 day period for filing permitted by FRAP 40 may be denied as untimely.

Michael E. Gans
Clerk of Court

NDG

Enclosure(s)

cc: Ms. Julie Anderson
Ms. Cindy A. Harrison

District Court/Agency Case Number(s): 20-6024

Donald and Carolyn Scott appeal after the Bankruptcy Appellate Panel (BAP) affirmed the bankruptcy court's¹ denial of their motions for sanctions and to disqualify the bankruptcy judge and awarded \$3,000 in sanctions against the Scotts. The Scotts argue that the BAP engaged in impermissible independent fact finding because the record on appeal was not properly transmitted from the bankruptcy court, and that the BAP erred by accepting Appellee's brief and appendix. The Scotts do not argue the underlying merits of their appeal to the BAP or the BAP's imposition of sanctions against them. Having carefully considered the record and the parties' arguments, we find no basis for reversal. See In re Vote, 276 F.3d 1024, 1026 (8th Cir. 2002) (bankruptcy court's factual findings are reviewed for clear error and its conclusions of law de novo).

The Scotts have failed to identify how any of the claimed technical errors prejudiced them. Accordingly, any error was harmless. See Fed. R. Civ. P. 61 (harmless error is not grounds for disturbing judgment); Fed. R. Bankr. P. 9005 (Rule 61 applies to bankruptcy cases); Shinseki v. Sanders, 556 U.S. 396, 409 (2009) ("The party that 'seeks to have a judgment set aside because of an erroneous ruling carries the burden of showing that prejudice resulted.'") (citation omitted); Hess v. Ables, 714 F.3d 1048, 1051 n.2 (8th Cir. 2013) (claims not briefed on appeal are waived). Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable Brian T. Fenimore, United States Bankruptcy Judge for the Western District of Missouri.

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 21-2102

In re: Donald Henderson Scott and Carolyn Yvonne Scott

Donald Henderson Scott and Carolyn Yvonne Scott

Appellants

v.

Julie Anderson, counsel for Mila Homes, LLC

Appellee

Appeal from the Bankruptcy Appellate Panel for the Eighth Circuit
(20-6024)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

April 21, 2022

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans