

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**JS-6**

CIVIL MINUTES - GENERAL

Case No.: 2:22-cv-00423-AB  
2:21-cv-04671-AB

Date: April 8, 2022

Bankruptcy No.: 2:17-bk-24993-RK; Adversary No.: 2:18-ap-01066-RK

Title: *In Re Mary Cummins-Cobb*  
*In Re Mary Cummins-Cobb*

Present: The Honorable **ANDRÉ BIROTTE JR., United States District Judge**

Carla Badirian  
Deputy Clerk

N/A  
Court Reporter

Attorney(s) Present for Plaintiff(s):  
None Appearing

Attorney(s) Present for Defendant(s):  
None Appearing

**Proceedings: [In Chambers] ORDER CLOSING CASE NO. 2:22-cv-00423-AB and DIRECTING CLERK’S OFFICE TO FILE APPELLANT’S NOTICE OF APPEAL IN CASE NO. 2:21-cv-04671 AND TO TRANSMIT THE NOTICE TO THE NINTH CIRCUIT**

Appellant Mary Cummins-Cobb filed a Notice of Appeal with the Bankruptcy Court, which referred the appeal to the Bankruptcy Appellate Panel, which opened appeal number CC-22-1013. The Bankruptcy Appellate Panel then transferred the case to the District Court, because Appellant appears to be appealing a District Court order. When the case was transferred to the District Court, a new case was opened and assigned case number 2:22-cv-00423-DSF. The case was then transferred to Judge Birotte because it arose out of the same underlying Bankruptcy Court proceedings that Appellant previously appealed, which appeals were assigned to and adjudicated by Judge Birotte.

Appellant should have filed her Notice of Appeal with the District Court in Case No. 2:21-cv-04671-AB because the Order she is appealing was entered by the

District Court in that case. *See* Fed. R. App. P. 4(a)(1)(A) (“the notice of appeal . . . must be filed with the district clerk . . .”). At that point, the Clerk’s Office would have transmitted the appeal to the Ninth Circuit, and case number 2:22-cv-00423-AB would not have been opened.

In light of the above, the Court **ORDERS** the Clerk of Court to file Appellant’s Notice of Appeal, which is Dkt. No. 1 in Case No. 2:22-cv-00423-AB, in Case No. 2:21-cv-04671-AB. The Clerk’s Office will then transmit the Notice of Appeal to the Ninth Circuit.

Because Appellant’s appeal will be transmitted to the proper forum—the Ninth Circuit—Case No. 2:22-cv-00423-AB is ordered **CLOSED**. Appellant’s Motions to Disqualify Judge Birotte (Dkt. Nos. 10, 12) and her Application to Electronically File Documents (Dkt. No. 11) are **MOOT** and on that basis are **DENIED**.

**IT IS SO ORDERED.**