

Alicia Marie Richards
2400000480
Santa Ana City Jail, M-88
Post office Box 22003
Santa Ana, Ca 92702

Lawrence Remsen, G-67186
MH CIM 159-L
Post Office Box 3100
Chino, California 91708

December 11, 2024

Office of the Clerk
Supreme Court of the United States
1st Street NE
Washington, DC 20543

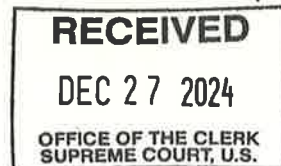
Re: Motion to Extend the Deadline to File Certiorari

In re Alicia Marie Richards 8:21-bk-10635-SC
Bankruptcy Appellate Panel Case Nos 21-1266 and 21-1262
[Affirmed in part and Dismissed in part]
United States Court of Appeals for the Ninth Circuit Case Nos
22-60057, 22-60058 consolidated Affirmed 6/3/2024 and
Rehearing Denied on 9/24/24

Dear Clerk,

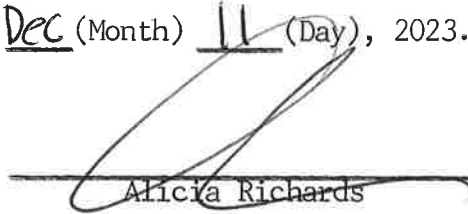
We are requesting pursuant to Rule 30 that the time to file our petition for certiorari be extended from December 23, 2024 by 60 days to and including February 21, 2025. No prior extensions have been granted or denied. We require additional time to file our petition because we are both incarcerated and this has caused a handicap in drafting the petition and gathering the record. We are both at different facilities which has made it difficult to send documents back and forth causing delay in finishing the preparation of the petition. We are diligently working on our petition but require an additional 60 days to complete it. This request is made in good faith and not to delay resolution of this matter regarding real property sold that did not belong to the bankruptcy estate, the property was not community, and the sale was completed without due process and equal protection of the law. The errors involved here are of constitutional dimensions and should not evade review.

1



VERIFICATION

As the Petitioner in this matter, I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct Executed Dec (Month) 11 (Day), 2023.


Alicia Richards

12/11/24
Date


Lawrence Kemsen

12/6/24
Date

NOTE: Prison Mail Box Rules: Houston v. Lack, 487 U.S. 266, 273-78 [108 S.Ct 2379] (1988) and In re Jordan, 4 Cal.4th 116 [840 P2d 983, 985] (1992).

1 The United States Court of Appeals for the Ninth Circuit's Memorandum affirming the appeal on the Sale of Real property was decided on June 3, 2024. Rehearing was denied on Sept 24, 2024. Note: we would have made copies of the orders, however, the Santa Ana Jail's copier was broken today and we only had one copy which we require to attach to our petition. We have included all the case numbers for all the consolidated cases for easy reference and to confirm the dates.

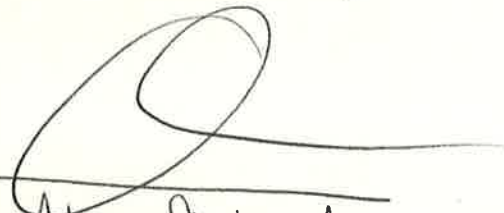
certificate of service

I caused to be served by the Santa Ana Jail whose address is post office box 22003, Santa Ana, California, 92702, the foregoing document titled Motion to Extend Deadline

To be served pursuant to the jail mail procedures (Houston v Lack, 487 US 266, 273, 278 [108 S.Ct. 2379] (1988)) to the following interested parties:

United States Court of Appeals
for the Ninth Circuit
Post Office Box 193939
San Francisco, Ca 94119

I declare under penalty of perjury that the foregoing is true and correct. Executed ¹²/₁₄, 2024 at Santa Ana, California.

By 
Alicia Richards

Certified mail/Return Receipt
9589 0710 5270 0618 561662

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 24 2024

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: ALICIA MARIE RICHARDS,

Debtor,

LAWRENCE REMSEN,

Appellant,

v.

RICHARD A. MARSHACK, Chapter 7
Trustee; et al.,

Appellees.

No. 22-60057

BAP No. 21-1266

ORDER

In re: ALICIA MARIE RICHARDS,

Debtor,

ALICIA MARIE RICHARDS,

Appellant,

v.

RICHARD A. MARSHACK, Chapter 7
Trustee; RYAL W. RICHARDS,

No. 22-60058

BAP No. 21-1262

Appellees.

Before: FRIEDLAND, BENNETT, and SANCHEZ, Circuit Judges.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. *See* Fed. R. App. P. 35.

Appellants' petition for rehearing en banc (Docket Entry No. 46 in Appeal No. 22-60057; Docket Entry No. 45 in Appeal No. 22-60058) is denied.

No further filings will be entertained in these closed cases.

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 3 2024

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: ALICIA MARIE RICHARDS,

No. 22-60057

Debtor,

BAP No. 21-1266

MEMORANDUM*

LAWRENCE REMSEN,

Appellant,

v.

RICHARD A. MARSHACK, Chapter 7
Trustee; RYAL W. RICHARDS,

Appellees.

In re: ALICIA MARIE RICHARDS,

No. 22-60058

Debtor,

BAP No. 21-1262

ALICIA MARIE RICHARDS,

Appellant,

v.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

RICHARD A. MARSHACK, Chapter 7
Trustee; RYAL W. RICHARDS,

Appellees.

Appeals from the Ninth Circuit
Bankruptcy Appellate Panel
Spraker, Gan, and Lafferty, Bankruptcy Judges, Presiding

Submitted May 29, 2024**

Before: FRIEDLAND, BENNETT, and SANCHEZ, Circuit Judges.

In these consolidated appeals, Chapter 7 debtor Alicia Marie Richards and Lawrence Remsen appeal pro se from the Bankruptcy Appellate Panel’s (“BAP”) judgments affirming the bankruptcy court’s order authorizing the sale of a residence free and clear of liens under 11 U.S.C. § 363(b)(1) and (f). We have jurisdiction under 28 U.S.C. § 158(d). We review de novo the BAP’s decision and apply the same standard of review that the BAP applied to the bankruptcy court’s ruling. *Wood v. Stratos Prod. Dev., LLC (In re Ahaza Sys., Inc.)*, 482 F.3d 1118, 1123 (9th Cir. 2007). We affirm.

The bankruptcy court did not abuse its discretion by authorizing the Chapter 7 trustee to sell the residence free and clear of liens under 11 U.S.C. § 363(f) because appellants’ claims were subject to bona fide disputes and the sale price

** The panel unanimously concludes these cases are suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

was greater than the aggregate value of all liens. *See* 11 U.S.C. § 363(f)(3), (4) (providing that the trustee may sell property under § 363(b) free and clear of any interest in such property if, *inter alia*, such interest is a lien and the sale price is greater than the aggregate value of all liens on such property, or such interest is in bona fide dispute); *id.* § 363(p)(2) (providing that “the entity asserting an interest in property has the burden of proof on the issue of the validity, priority, or extent of such interest”); *Clear Channel Outdoor, Inc. v. Knupfer (In re PW, LLC)*, 391 B.R. 25, 32 (B.A.P. 9th Cir. 2008) (setting forth standard of review). Although appellants challenge the good faith of the purchaser in these appeals, we do not consider the challenge because the BAP properly determined appellants did not meaningfully raise the issue before the BAP. *See Brownfield v. City of Yakima*, 612 F.3d 1140, 1149 n.4 (9th Cir. 2010) (explaining that “a bare assertion does not preserve a claim”); *Burnett v. Resurgent Capital Servs. (In re Burnett)*, 435 F.3d 971, 975-76 (9th Cir. 2006) (stating that, absent exceptional circumstances, issues not raised before the BAP are waived).

Contrary to appellants’ contention, the bankruptcy court did not err in determining that it had subject matter jurisdiction because the residence was an asset of the bankruptcy estate. *See* 11 U.S.C. § 541(a)(2) (providing that the filing of a bankruptcy petition creates an estate comprised of, *inter alia*, “[a]ll interests of the debtor and the debtor’s spouse in community property as of the commencement

of the case”); *Sea Hawk Seafoods, Inc. v. State of Alaska (In re Valdez Fisheries Dev. Ass’n, Inc.)*, 439 F.3d 545, 547 (9th Cir. 2006) (setting forth standard of review). We reject as without merit appellants’ contentions that the bankruptcy court was required to hold a separate hearing on jurisdiction and that the BAP erred by taking judicial notice of a state court judgment.

We reject as unsupported by the record appellants’ contention that Remsen was denied due process in connection with the sale motion. *See Partington v. Gedan*, 961 F.2d 852, 865 (9th Cir. 1992) (recognizing that due process does not necessarily require the opportunity to present arguments orally).

AFFIRMED.