

[NOT FOR PUBLICATION-NOT TO BE CITED AS PRECEDENT]

United States Court of Appeals For the First Circuit

No. 01-1491

IN RE: PAUL RAVIDA,

Debtor,

FRIEDRICH LU,

Plaintiff, Appellant,

v.

PAUL RAVIDA,

Defendant, Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

[Hon. Robert E. Keeton, U.S. District Judge]

Before

Campbell, Senior Circuit Judge,
Lynch and Lipez, Circuit Judges.

Friedrich Lu on brief pro se.

Mark N. Berman, Christopher R. Mirick, and Hutchins, Wheeler
& Dittmar on brief for appellee.

January 7, 2002

Per Curiam. After a thorough review of the record and of the parties' submissions, we affirm. There was no error in the dismissal pursuant to D. Mass. Loc. R. 203(A), as that Rule clearly authorizes dismissal of an appeal in an adversary proceeding where appellant has failed to comply with the mandates of Fed. R. Bankr. P. 8006 and 8001(a). We see no constitutional infirmity in the local rule, as any dismissal under the rule is reviewable by an Article III judge in the district court, and in this instance was first directed by, and then affirmed by, a district judge. The bankruptcy court was not without jurisdiction to enter the order of dismissal, despite the fact that the case was on appeal to this court at the time, since the appeal here was an improper interlocutory one. See United States v. Brooks, 145 F.3d 446, 456 (1st Cir. 1998) (lower court "may proceed, notwithstanding the filing of an appeal, if the notice of appeal is defective in some substantial and easily discernible way (if, for example, it is based on an unappealable order)").

Affirmed. 1st Cir. Loc. R. 27(c).