

MAY 23 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In re: CAO HUU TRAN,  
Debtor

No. 06-16696

BAP No. EC-05-1229-ABPa

CAO HUU TRAN,  
Appellant,  
v.

MEMORANDUM \*

HARRAH'S OPERATING COMPANY,  
INC.; HARVEY'S TAHOE  
MANAGEMENT COMPANY;  
LAWRENCE LOHEIT; and THE  
GOLDEN 1 CREDIT UNION,  
Appellees.

Appeal from the Ninth Circuit  
Bankruptcy Appellate Panel  
Pappas, Brandt, and Albert, Bankruptcy Judges, Presiding

Submitted May 15, 2008  
San Francisco, California

Before: B. FLETCHER and RYMER, Circuit Judges, and DUFFY \*\*, District  
Judge.

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\* This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

\*\* The Honorable Kevin Thomas Duffy, Senior United States District  
Judge for the Southern District of New York, sitting by designation.

Appellant Cao Huu Tran appeals the ruling of the Bankruptcy Appellate Panel of the Ninth Circuit affirming the ruling of the United States Bankruptcy Court for the Eastern District of California sustaining objections by the Chapter 13 Trustee and certain creditors to confirmation of Appellant's third amended Chapter 13 plan and dismissing Appellant's Chapter 13 case.

Appellant incurred large gambling debts over the several months prior to filing his Chapter 13 petition, and admitted to gambling at least once after filing his petition. He also borrowed large sums of money from family members to repay other gambling debts. At the time he filed his Chapter 13 petition, Appellant owed just under \$150,000 to casinos and family members, all gambling-related debt. The bankruptcy court identified Appellant's admitted gambling problem as the major obstacle to confirmation of the plan.

The bankruptcy court denied confirmation of Tran's third amended Chapter 13 plan and ultimately dismissed Tran's case because, though Tran was given several opportunities to prove that his gambling problem would not render his plan infeasible, and though he was given additional time in which to do so, Tran failed to submit a confirmable plan. Under these circumstances, the bankruptcy court did not abuse its discretion in denying confirmation and dismissing the case. *See* 11 U.S.C. §1307(c).

**AFFIRMED.**