

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

MAR 23 2009

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

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

RONALD STEPHEN HOLT; et al.,

Defendants,

and

BARRY T. JORDAN,

Defendant - Appellant,

LAWRENCE J. WARFIELD,

Trustee - Appellee.

No. 07-16701

D.C. No. CV-03-01825-PGR

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Paul G. Rosenblatt, District Judge, Presiding

Argued and Submitted March 12, 2009  
San Francisco, California

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

Before: HUG, CALLAHAN and BEA, Circuit Judges.

The Receiver argues that Barry T. Jordan (“Jordan”) lacks standing in this appeal. This court reviews whether an appellant has standing de novo. *See Mortensen v. County of Sacramento*, 368 F.3d 1082, 1086 (9th Cir. 2004). Jordan argues that he has standing as a representative of the Roger Mills Trust and the Crown Oil & Gas trust, alleging that he is the trust manager for both. However, neither the trust documents nor any other evidence give Jordan the authority as trust manager to assert the legal interests of these trusts. Although Jordan implies that he has standing in his individual capacity, any personal interest he has in this appeal is not legally cognizable.

Furthermore, Jordan lacks standing to appeal because he is not a named party in the action below. *See Citibank Int’l v. Collier-Traino, Inc.*, 809 F.2d 1438, 1441 (9th Cir. 1987) (It is established that “only a properly named party may initiate an appeal.”). This court follows the general rule that “one who is not a party before the district court may not appeal a judgment.” *Commodity Futures Trading Comm’n v. Topworth Int’l Ltd.*, 205 F.3d 1107, 1113 (9th Cir. 1999) (citation and quotation marks omitted). “A nonparty has standing to appeal a district court’s decision only in exceptional circumstances. We have allowed such

an appeal only when (1) the appellant, though not a party, participated in the district court proceedings, and (2) the equities of the case weigh in favor of hearing the appeal.” *S. Cal. Edison Co. v. Lynch*, 307 F.3d 794, 804 (9th Cir. 2002) (citations and quotation marks omitted). While Jordan participated in the relevant district court proceedings, the equities of the case do not weigh in favor of hearing his appeal.

The appeal is **DISMISSED**.