

**FILED**  
**United States Court of Appeals**  
**Tenth Circuit**

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

**April 15, 2025**

**Christopher M. Wolpert**  
**Clerk of Court**

In re: MICHAEL JOSEPH  
ROBERTS, SR.,

Debtor.

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MICHAEL JOSEPH ROBERTS, SR.,

Appellant,

v.

HARVEY SENDER, Chapter 7  
Trustee; PDC, LLC; TIMOTHY  
FLAHERTY; TIMOTHY KNEEN;  
RIVERIA COUNTRY CLUB, S. DE  
R.L. C.V.S.,

Appellees.

No. 24-1255  
(BAP No. 24-0009-CO)  
(Bankruptcy Appellate Panel)

**ORDER AND JUDGMENT\***

Before **HARTZ, KELLY**, and **BACHARACH**, Circuit Judges.

The Bankruptcy Court approved a settlement agreement between the Trustee and some of the creditors, and the debtor (1) appealed to the

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\* This order and judgment is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel. But the order and judgment may be cited for its persuasive value if otherwise appropriate. *See* Fed. R. App. P. 32.1(a); 10th Cir. R. 32.1(A).

Bankruptcy Appellate Panel and (2) asked the panel to stay the Bankruptcy Court's decision.<sup>1</sup> The Bankruptcy Appellate Panel denied a stay; and the debtor came to our court, appealing the denial of a stay.

While our appeal has been pending, the Bankruptcy Appellate Panel decided Mr. Roberts' appeal of the Bankruptcy Court's ruling. The parties agree that this decision renders our appeal moot, and we agree. *See N. Nat. Gas Co. v. Trans Pac. Oil Corp.*, 529 F.3d 1248, 1250 & n.1 (10th Cir. 2008) (concluding that an appeal from the denial of a preliminary injunction is moot following an appeal from the termination of the underlying proceedings). So we dismiss this appeal.

Entered for the Court

Robert E. Bacharach  
Circuit Judge

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<sup>1</sup> The debtor also asked the Bankruptcy Court for a stay, but that request isn't involved here.