

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-1198

In Re: Darwin Gene Rice; Diane
Carol Rice,

Debtors.

Darwin Gene Rice; Diane Carol Rice,

Appellants,

v.

Carol F. Dunbar; Commerce Bank;
The Farm Service Agency;
Home State Bank;

Appellees.

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Appeal from the United States
Bankruptcy Appellate Panel
for the Eighth Circuit.

[UNPUBLISHED]

Submitted: March 13, 2008

Filed: April 2, 2008

Before WOLLMAN, RILEY, and GRUENDER, Circuit Judges.

PER CURIAM.

Darwin and Diane Rice (the Rices) appeal from the decision of the Bankruptcy Appellate Panel affirming orders of the bankruptcy court.¹ After careful review, see In re Vote, 276 F.3d 1024, 1026 (8th Cir. 2002) (stating a bankruptcy court's factual findings are reviewed for clear error and its legal conclusions are reviewed de novo), we conclude (1) the bankruptcy court did not abuse its discretion in denying the Rices' motion for a continuance before the final hearing, because the reason for the continuance--the Rices' decision to terminate their counsel's services only days before the hearing, and to seek new legal counsel--was within their control, and the matter had been pending for a lengthy period of time; (2) the bankruptcy court did not err in denying confirmation of the Rices' Chapter 12 plan based on the court's finding the plan was not feasible; (3) the court did not abuse its discretion in dismissing the case given the length of time the case had been pending and the Rices' repeated unsuccessful efforts to file a feasible plan; and (4) the court's decision to pierce the corporate veil of the D & R Cattle Company was proper. The Rices' challenge to the order lifting the automatic stay is moot.

We affirm the judgment of the Bankruptcy Appellate Panel, see 8th Cir. R. 47B, and we deny the pending motion for a supersedeas bond as moot.

¹The Honorable Lee M. Jackwig, United States Bankruptcy Judge for the Southern District of Iowa.