

United States Court of Appeals
For the Eighth Circuit

No. 21-2102

In re: Donald Henderson Scott; Carolyn Yvonne Scott

Debtors

Donald Henderson Scott; Carolyn Yvonne Scott

Appellants

v.

Julie Anderson, counsel for Mila Homes, LLC

Appellee

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

Submitted: February 18, 2022

Filed: March 16, 2022

[Unpublished]

Before COLLOTON, SHEPHERD, and GRASZ, Circuit Judges.

PER CURIAM.

Donald and Carolyn Scott appeal after the Bankruptcy Appellate Panel (BAP) affirmed the bankruptcy court's¹ denial of their motions for sanctions and to disqualify the bankruptcy judge and awarded \$3,000 in sanctions against the Scotts. The Scotts argue that the BAP engaged in impermissible independent fact finding because the record on appeal was not properly transmitted from the bankruptcy court, and that the BAP erred by accepting Appellee's brief and appendix. The Scotts do not argue the underlying merits of their appeal to the BAP or the BAP's imposition of sanctions against them. Having carefully considered the record and the parties' arguments, we find no basis for reversal. See In re Vote, 276 F.3d 1024, 1026 (8th Cir. 2002) (bankruptcy court's factual findings are reviewed for clear error and its conclusions of law de novo).

The Scotts have failed to identify how any of the claimed technical errors prejudiced them. Accordingly, any error was harmless. See Fed. R. Civ. P. 61 (harmless error is not grounds for disturbing judgment); Fed. R. Bankr. P. 9005 (Rule 61 applies to bankruptcy cases); Shinseki v. Sanders, 556 U.S. 396, 409 (2009) ("The party that 'seeks to have a judgment set aside because of an erroneous ruling carries the burden of showing that prejudice resulted.'") (citation omitted); Hess v. Ables, 714 F.3d 1048, 1051 n.2 (8th Cir. 2013) (claims not briefed on appeal are waived). Accordingly, we affirm. See 8th Cir. R. 47B.

¹The Honorable Brian T. Fenimore, United States Bankruptcy Judge for the Western District of Missouri.