

FILED
United States Court of Appeals
Tenth Circuit

SEP 11 1989

ROBERT L. HOECKER
Clerk

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

HILL RESOURCES, INC.,	)	
	)	
Plaintiff-Appellant,	)	
	)	
v.	)	No. 88-1944
	)	(D.C. No. CIV-86-2531-T)
	)	(W.D. Oklahoma)
CUESTA ENERGY CORPORATION,	)	
	)	
Defendant-Appellee.	)	

ORDER AND JUDGMENT*

Submitted on the Briefs:

Before MOORE, ANDERSON, and BRORBY, Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1.9. The cause is therefore ordered submitted without oral argument.

*This order and judgment has no precedential value and shall not be cited, or used by any court within the Tenth Circuit, except for purposes of establishing the doctrines of the law of the case, res judicata, or collateral estoppel. 10th Cir. R. 36.3.

Our review of the case leads us to the conclusion the district court did not err in affirming the judgment of the bankruptcy court. We affirm for the reasons set forth in the order of the district court entered on May 12, 1988. We have also considered whether the bankruptcy court erred in shortening the notice of the confirmation hearing. We have examined the record and have failed to find an objection filed in the bankruptcy court by the appellant that would serve to preserve this issue for appeal. Nonetheless, we would not reverse on this issue even if it were preserved. Given the extensive pre-hearing negotiations between the trustee and interested parties and the time between the submission of the original plan and the date of confirmation, we cannot say the bankruptcy court abused its discretion. Fed. R. Bankr. P. 9006(c).

AFFIRMED.

The mandate shall issue forthwith.

Entered for the Court

John P. Moore
Circuit Judge