

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 14-12585
Non-Argument Calendar

D.C. Docket No. 2:14-cv-00095-RWS; BK-13-23492-REB

In Re: JAMES JEROME PHILLIPS,
TAMARA JOHNSTON PHILLIPS,

Debtors.

BANK OF AMERICA, NA,

Appellant,

versus

JAMES JEROME PHILLIPS,
TAMARA JOHNSTON PHILLIPS,

Debtors - Appellees.

Appeal from the United States District Court
for the Northern District of Georgia

(August 14, 2015)

ON REMAND FROM THE UNITED STATES SUPREME COURT

Before WILSON, ROSENBAUM, and COX, Circuit Judges.

PER CURIAM:

Appellees, James and Tamara Phillips, are Chapter 7 debtors. They have two mortgages on their house secured by corresponding liens. The second lien, Bank of America's, is completely "underwater." The Phillipses obtained from the bankruptcy court an order "stripping off" Bank of America's second lien as void under 11 U.S.C. § 506(d). The district court affirmed. Bank of America appealed. Bound by our prior precedent rule, we affirmed.

The Supreme Court granted Bank of America's petition for writ of certiorari, vacated this court's judgment, and remanded the case for further proceedings in light of *Bank of America, N.A. v. Caulkett*, 575 U.S. ___, 135 S. Ct. 1995 (2015). Under *Caulkett*, § 506(d) does not permit the bankruptcy court to strip off the underwater second lien.

Following the issuance of *Caulkett*, Bank of America filed a motion for summary reversal in this court. We deny that motion by separate order. We vacate the judgment of the district court and remand this case to the district court for further proceedings consistent with this opinion and *Caulkett*.

VACATED AND REMANDED.