

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 14-10062
Non-Argument Calendar

D.C. Docket No. 1:13-cv-02519-WSD, 13-bkc-60610-JRS

DAYO BELLO,

Debtor,

BANK OF AMERICA, N.A.,

Plaintiff-Appellant,

versus

DAYO BELLO,

Defendant-Appellee.

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

(April 17, 2014)

Before PRYOR, MARTIN, and EDMONDSON, Circuit Judges.

PER CURIAM:

Bank of America, N.A. appeals the district court's affirmance of the bankruptcy court's order voiding a wholly unsecured second priority lien on residential property owned by a Chapter 7 debtor. The issue on appeal is whether a Chapter 7 debtor is allowed to "strip off" a second priority lien on his home, pursuant to 11 U.S.C. § 506(a) and (d), when the first priority lien exceeds the value of the property.

We addressed recently this issue and concluded that a wholly unsecured junior lien -- such as the one held here by Bank of America -- is voidable under section 506(d). See McNeal v. GMAC Mortg., LLC (In re McNeal), 735 F.3d 1263 (11th Cir. 2012). Bank of America acknowledges that this panel is bound by the Court's decision in McNeal, but reserves the right to seek reconsideration of the issue by the en banc Court. Cf. United States v. Smith, 122 F.3d 1355, 1359 (11th Cir. 1997) ("Under the prior panel precedent rule, we are bound by earlier panel holdings . . . unless and until they are overruled en banc or by the Supreme Court.").

AFFIRMED.