

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 14-12749  
Non-Argument Calendar

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Docket No. 1:14-cv-00461-AT,  
Bkey No. 13-bkc-72472-WLH

In re: NASRUDDIN LAKHANI,

Debtor.

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BANK OF AMERICA, N.A.,

Plaintiff-Appellant,

versus

NASRUDDIN LAKHANI,

Defendant-Appellee.

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

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(November 19, 2014)

Before WILLIAM PRYOR, ANDERSON and EDMONDSON, Circuit Judges.

PER CURIAM:

Bank of America, N.A. appeals the district court's summary affirmance of the bankruptcy court's order voiding a wholly unsecured second priority lien on residential property owned by a Chapter 7 debtor.

The bankruptcy court granted Debtor's request to "strip off" the unsecured junior lien, based on this Court's binding precedent in McNeal v. GMAC Mortg., LLC (In re McNeal), 735 F.3d 1263 (11th Cir. 2012) (citing Folendore v. United States Small Bus. Admin. (In re Folendore), 862 F.2d 1537 (11th Cir. 1989)). In McNeal, we concluded that 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.

Bank of America acknowledges that this panel is bound by the Court's decisions in McNeal and Folendore 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.