

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

LESLIE D. COFFEY

PLAINTIFF

v.

No. 3:16-cv-222-DPM

CNR HOLDINGS LLC,
WILLIAM HANK RANDOLPH, and
TRENT C. GAINES

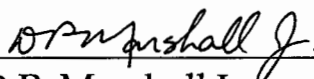
DEFENDANTS

ORDER

In early August 2013, Leslie Coffey filed a Chapter 13 bankruptcy petition in United States Bankruptcy Court for the Eastern District of Arkansas. Case No. 3:13-bk-14405. The petition was dismissed a month later. *No* 17 in No. 3:13-bk-14405. But other papers were filed in the case, including an adversary proceeding alleging that two days after the Chapter 13 petition was filed the defendants had some of Coffey's antiques and other things removed from the family home and set out in the rain. *No* 20 in No. 3:13-bk-14405; No. 3:13-ap-1135. Coffey recently filed a complaint in this Court alleging that those same actions violated the automatic stay. He seeks \$2,500,000. He served the defendants, and obtained a Clerk's default because they never answered. Coffey also seeks a default judgment, *No* 5, which this Court, not the Clerk, must address. FED. R. CIV. P. 55(b)(2).

There's a subject matter jurisdiction problem. The Bankruptcy Court has jurisdiction over this case. 28 U.S.C. § 157; LOCAL RULE 83.1. And though the bankruptcy case was closed in December 2013, papers were still being filed in the adversary proceeding as recently as July of this year. *No 34* in No. 3:13-ap-01135. It's true the defendants didn't answer the complaint here, but they didn't have to: This isn't the correct Court to address the alleged violation of the automatic stay. That's a matter for the Bankruptcy Court. The Clerk's default, *No 7*, is vacated. Coffey's complaint will be dismissed without prejudice.

So Ordered.



D.P. Marshall Jr.
United States District Judge

27 October 2016