

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION**

M. RANDY RICE, TRUSTEE

PLAINTIFF

v.

Case No. 4:17-mc-9 KGB

**MICHAEL OXNER d/b/a
RED RIVER FARMS**


DEFENDANT

ORDER

This is an adversary proceeding commenced in bankruptcy court. Before the Court is defendant Michael Oxner's motion to withdraw reference of adversary proceeding (Dkt. No. 1). The motion seeks to return jurisdiction over this action to this Court. As provided by 28 U.S.C. § 157(d), this Court shall withdraw the reference of the action to the bankruptcy court where the court determines that "resolution of the proceeding requires consideration of both title 11 and other laws of the United States regulating organizations or activities affecting interstate commerce."

Bankruptcy Trustee M. Randy Rice, who is the plaintiff in this action, has not responded to the motion, and the time to file a response has passed. The motion indicates that the bankruptcy court held that Mr. Oxner is entitled to a jury trial regarding claims brought against him by Trustee Rice. Thus, the Court grants the motion and hereby withdraws the reference (Dkt. No. 1). The Court directs the Clerk to close the miscellaneous case that was opened when the motion to withdraw the reference was filed and to open a new civil action for the adversary proceeding that was initially commenced in bankruptcy court.

It is so ordered this the 11th day of August, 2017.



Kristine G. Baker
United States District Judge