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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

In re:

KATHRYN REYNOLDS,
Debtor,

NO. 2:07-cv-1070-MCE-GGH PS

KATHRYN REYNOLDS
Appellant,

ORDER

v.

JESSICA SWEDELIUS,
Appellee.

_____ /

On June 5, 2007, Appellant Kathryn Reynolds ("Appellant") filed an action in this Court concerning enforcement of a levy against some \$38,000 held in an escrow account. Appellee Jessica Swedelius' attempt to execute against that escrow account prompted Appellant to move for a temporary restraining order in Bankruptcy Court, where Appellant claims she obtained a discharge in Chapter 7 bankruptcy proceedings.

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1 The Bankruptcy Court denied Appellant's request in that regard,
2 and Appellant appealed that decision before the Bankruptcy
3 Appeals Panel ("BAP"). Despite Appellant's resort to the
4 auspices of the BAP in seeking relief from what appears to be
5 imminent execution against the escrow account, and despite
6 Appellant's admission in her Emergency Motion for a Temporary
7 Restraining Order (filed concurrently with her Complaint in this
8 Court) that she filed a "similar" Motion with BAP on June 4,
9 2007, Plaintiff nonetheless asks this Court to intervene on an
10 emergency basis, ex parte, in an action already before BAP.

11 Appellant, having already elected to proceed before BAP,
12 must request from BAP any equitable relief sought in this matter,
13 including the instant request for temporary restraining order.
14 It appears that Plaintiff has already made that request through
15 papers filed with BAP the day before she asked this Court to also
16 issue a temporary restraining order. Plaintiff's Motion for
17 Temporary Restraining Order Staying Enforcement Pending Appeal is
18 accordingly DENIED.

19 IT IS SO ORDERED.

20 Dated: June 7, 2007

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22 MORRISON C. ENGLAND, JR.
23 UNITED STATES DISTRICT JUDGE
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