

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
Plaintiff,
v.
DOUGLAS R. CARAWAY, et al.,
Defendants.

No. C 08-4371 MMC

**ORDER STRIKING DEFENDANT
CARAWAY'S MOTION FOR RELIEF
FROM JUDGMENT**

The Court is in receipt of a "Motion for Relief from Judgment," filed November 16, 2012 by defendant Douglas R. Caraway ("Caraway"), purportedly appearing pro se. The motion is not properly before the Court, for the following reasons.

First, an automatic stay is in place pursuant to 11 U.S.C. § 362. (See Order Conditionally Closing Case, filed Mar. 8, 2012.) Without an order from the Bankruptcy Court, this Court may not "authorize any further progress in the stayed proceedings" and any "actions taken in violation of the automatic stay are void." See In re Gruntz, 202 F.3d 1074, 1082 (9th Cir. 2000).

Second, on November 16, 2011, Sun Joo Chung, an attorney, filed an appearance on Caraway's behalf (see Notice of Appearance, filed Nov. 16, 2011), and remains counsel of record (see Order Vacating Hearing, filed March 30, 2012).

//

1 Accordingly the above-referenced motion is hereby STRICKEN, without prejudice to
2 Caraway's refiling it at a later time under appropriate circumstances.

3 **IT IS SO ORDERED.**

4 Dated: November 27, 2012


MAXINE M. CHESNEY
United States District Judge

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28