

1
2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 BILL FUCHS,

6 Plaintiff,

No. C 14-0284 PJH

7 v.

**ORDER DENYING MOTION TO
RELEASE STAY**

8 GMAC MORTGAGE LLC, et al.,


9 Defendants.
10 _____/

11 On April 17, 2014, this court entered an order staying the above-captioned case
12 based on defendants having filed petitions in bankruptcy, which triggers an automatic stay.
13 On April 22, 2014, plaintiff filed a "motion for release of stay," arguing, among other things,
14 that "[t]his case is solely based upon GMAC's intentional and deliberate violation of
15 plaintiff's constitutional rights under the First and Fourteenth Amendments of the United
16 States Constitution which is not considered under a stay of bankruptcy," and further arguing
17 that "GMAC's intentional acts of banking fraud and violations of RESPA and TILA laws" are
18 not "considered by the stay of bankruptcy notice." Defendants filed an opposition on April
19 25, 2014, arguing that any motion to lift the bankruptcy stay must be brought before the
20 bankruptcy court, not this court. See In re Gruntz, 202 F.3d 1074, 1082 (9th Cir. 2000).

21 The court agrees with defendants, and DENIES plaintiff's motion. As the Gruntz
22 court held, "bankruptcy courts have the ultimate authority to determine the scope of the
23 automatic stay imposed by 11 U.S.C. § 362(a), subject to federal appellate review."
24

IT IS SO ORDERED.

25 Dated: May 5, 2014

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28 PHYLLIS J. HAMILTON
United States District Judge