

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: HOWELL

CIVIL ACTION

No. 19-10068

SECTION I

ORDER & REASONS

Before the Court is an appeal¹ filed by John LaMartina Howell and Elise LaMartina (collectively, the “appellants”) from a judgment issued by the United States Bankruptcy Court. The bankruptcy court dismissed the appellants’ complaint and permanently enjoined them from litigating certain issues in any court except the bankruptcy court.²

This Court’s jurisdiction to review the bankruptcy court’s judgment derives from 28 U.S.C. § 158(a)(1). “[C]onclusions of law are reviewed *de novo*, findings of fact are reviewed for clear error, and mixed questions of fact and law are reviewed *de novo*.” *In re Nat’l Gypsum Co.*, 208 F.3d 498, 504 (5th Cir. 2000). Having reviewed the record in this matter, the bankruptcy court’s amended judgment, the parties’ briefing, and the applicable law, the Court concludes that the bankruptcy court’s factual

¹ R. Doc. No. 1.

² See R. Doc. No. 3-1, at 246. On June 13, 2018, after a hearing on the two motions to dismiss filed by the defendant-appellees, the bankruptcy court issued its judgment. On appeal, this Court remanded the matter to the bankruptcy court to allow the bankruptcy court to issue an amended order and reasons explaining its dismissal of the plaintiff-appellants’ complaint. The bankruptcy court issued its amended judgment on April 11, 2019, and the appellants timely appealed.

findings are “plausible in light of the record read as a whole,” *In re Ramba, Inc.*, 416 F.3d 394, 402 (5th Cir. 2005), and that its application of the law to the facts is correct: pursuant to both the *Rooker-Feldman* and *Barton* doctrines, the appellants’ complaint was rightfully dismissed and the permanent injunction is warranted.

Accordingly,

IT IS ORDERED that the bankruptcy court’s opinion is **ADOPTED** as this Court’s own opinion, and its decision dismissing the complaint and issuing the permanent injunction is **AFFIRMED**.

New Orleans, Louisiana, May 31, 2019.



LANCE M. AFRICK
UNITED STATES DISTRICT JUDGE