

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE:

ROBERT LEE SAMULAK,

Debtor.

Case No. 17-13771
Bankruptcy Case No. 16-51819

ROBERT LEE SAMULAK,

Appellant,

v.

CARRINGTON MORTGAGE SERVICES, LLC,

Appellee.

ORDER DENYING MOTION TO TRANSFER VENUE

This is a bankruptcy appeal. Currently before the court is Appellant Robert Lee Samulak's "Request for Clarification of Venue." (Dkt. #13.) In his request, Appellant notes that the heading on the court's most recent order (Dkt. #12) lists this court as the Eastern District of Michigan Southern Division. Appellant, however, "elected that the instant case be heard before the [Bankruptcy Appellate Panel]." (Dkt. #13 Pg. ID 46.) He asks that if the case is being heard in the Eastern District of Michigan Southern Division (as it is), that it be "remanded" to the Bankruptcy Appellate Panel as requested. The court construes Appellant's request as a motion to transfer venue.

Appellant is correct that the Sixth Circuit has established a Bankruptcy Appellate Panel pursuant to 28 U.S.C. § 158(b)(1). A Bankruptcy Appellate Panel, where

established, may hear appeals from certain bankruptcy cases under the supervision of the court of appeals.

But the Sixth Circuit's establishment of a Bankruptcy Appellate Panel does not automatically entitle parties to have their case heard before that panel. Under 28 U.S.C. § 158(b)(6), the Bankruptcy Appellate Panel may not hear bankruptcy appeals "unless the district judges for the district in which the appeals occur, by majority vote, have authorized such service to hear and determine appeals originating in such district." The Eastern District of Michigan has not authorized the Bankruptcy Appellate Panel to hear bankruptcy appeals originating in this district. Appellant's appeal is therefore properly before this court. Accordingly,

IT IS ORDERED that Appellant's motion to transfer venue (Dkt. #13) is DENIED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 11, 2018

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 11, 2018, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(810) 292-6522