

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**TROY EDWIN TATE and  
ELAINE BURRIS TATE**

**Appellants**

**v.**

**Civil No. 1:08cv32HSO-JMR**

**R. MICHAEL BOLEN, U.S. Trustee**

**Appellee**

**ORDER REMANDING CASE TO BANKRUPTCY  
COURT FOR ADDITIONAL PROCEEDINGS**

THIS MATTER COMES BEFORE THE COURT *sua sponte* after the Fifth Circuit Opinion and Mandate handed down on August 4, 2009. In light of the opinion rendered by the Fifth Circuit, specifically the finding that the Tates should have been allowed to deduct the transportation ownership deduction under the plain language of 11 U.S.C. § 707(b), this case should be remanded to the Bankruptcy Court for additional proceedings consistent with the Fifth Circuit's opinion. Accordingly,

**IT IS, ORDERED AND ADJUDGED** that, the above captioned cause should be and is hereby **REMANDED** to the Bankruptcy Court for further proceedings.

**SO ORDERED AND ADJUDGED**, this the 6<sup>th</sup> day of August, 2009.

*s/ Halil Suleyman Ozerden*

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE