

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

IN RE:)
)
ROSS H. BRIGGS,) **4:18-cv-00028-SNLJ**
)
Petitioner.)

MEMORANDUM AND ORDER

This matter comes before the Court on petitioner’s motion to supplement the record on appeal (#5). That motion is granted.

However, the Court notes petitioner has not yet filed a brief in this case, which was due on February 7, 2018, according to the Case Management Order. (#2). Moreover, the Court notes the companion cases of In Re Ross H. Briggs, 4:17-mc-00674-RWS and In Re Reed, 4:16-cv-00633-RLW, in which the Eighth Circuit Court of Appeals appears to have ruled on the issues raised in this case. This case and the above-referenced companion cases are ultimately above petitioner’s attempt to seek reinstatement of full privileges to practice before the Bankruptcy Court for the Eastern District of Missouri. Bankruptcy Judge Rendlen initially suspended petitioner’s privileges on April 20,2016. The In Re Reed matter was an attempt to appeal Judge Rendlen’s order to this Court. It was denied by Judge White on January 3, 2017. The In Re Ross H. Briggs matter was an attempt to seek reinstatement directly through Chief Judge Sippel of this Court, who petitioner argued had the inherent power—as Chief Judge—to reinstatement him notwithstanding Judge Rendlen’s order. It was denied by Chief Judge Sippel on December 15, 2017. Both cases were appealed and, on April 25, 2018, were

simultaneously affirmed by the Eighth Circuit in *In Re Reed*, 888 F.3d 930 (8th Cir. 2018).

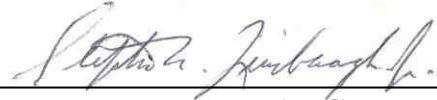
The immediate bankruptcy appeal relates to a separate attempt by petitioner to seek reinstatement from Chief Judge Surratt-States of the Bankruptcy Court. Chief Judge Surratt-States denied petitioner in an order dated November 6, 2017, during which time petitioner's appeal before the Eighth Circuit was pending. Notably, in the *In Re Reed* appeal, the Eighth Circuit took notice of Chief Judge Surratt-State's denial and held "[n]either Local Rule 2094(B) nor Rule VII provide a basis for the bankruptcy court's chief judge to hear Briggs's reinstatement motion ... Briggs may file his motion with Judge Rendlen," *Id.* at 940. Concordantly, it would appear to this Court the Eighth Circuit has already ruled upon the substance of petitioner's present appeal. Therefore, this Court orders petitioner to show cause within fourteen (14) days why this case should not be dismissed.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion to supplement the record on appeal (#5) is **GRANTED**.

IT IS FURTHER ORDERED that petitioner **SHOW CAUSE within fourteen (14) days of the date of this Order** why this Court should not dismiss this case in view of the Eighth Circuit's opinion in *In Re Reed*, 888 F.3d 930 (8th Cir. 2018), which appears to have already resolved the issues raised by this appeal.

So ordered this 27th day of September 2018.

A handwritten signature in cursive script, appearing to read "Stephen N. Limbaugh, Jr.", written in black ink.

STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE