

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

<p style="text-align: center;">In re William Edwin Lindsey, Debtor in Possession.</p>	
<p style="text-align: center;">William Edwin Lindsey, Appellant, vs. Pinnacle National Bank, Mountain National Bank, and FirstBank, Appellees.</p>	<p>ORDER</p> <p>No. 3:11-cv-00445 (Campbell/Guyton)</p>

ORDER

Debtor-in-possession William Edwin Lindsey filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code in April 2010. In response to Mr. Lindsey’s reorganization plan, three of Mr. Lindsey’s impaired creditors filed a motion for summary judgment on the plan, requesting that the court refuse to confirm the plan because it “violates 11 U.S.C. § 1129(b)(2)(B)(ii) (the absolute priority rule) by providing for Debtor’s retention of pre-petition property.” The bankruptcy court granted the motion for summary judgment, and Mr. Lindsey appealed that order to this court. This court issued an order affirming the decision of the bankruptcy court (Dkt. No. 10).

In response, Mr. Lindsey then appealed this court's order to the United States Court of Appeals for the Sixth Circuit. The Sixth Circuit held that it lacked subject matter jurisdiction to hear the appeal, and that this court also lacked such jurisdiction.

Based on the Sixth Circuit's decision finding that this court lacked subject matter jurisdiction to hear Mr. Lindsey's appeal of the bankruptcy court's refusal to confirm his reorganization plan, the court VACATES the October 11, 2012 order (Dkt. No. 10) affirming the bankruptcy court's decision, and the July 31, 2013 order (Dkt. No. 14) granting the joint motion for certificate of appealability.

It is hereby ORDERED that this case be dismissed and the Clerk of the Court is directed to remand this matter to the Eastern District of Tennessee Bankruptcy Court.

SO ORDERED this 26th day of September, 2013.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL
U.S. District Court Judge