

United States District Court
Southern District of Texas

ENTERED

August 15, 2017

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MATT HARRIS,

Plaintiff,

v.

MAKITA USA, INC.,

Defendant.

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CIVIL ACTION NO. H-15-3353

ORDER DENYING MOTION TO STAY

The plaintiff, Matt Harris, filed a Suggestion of Bankruptcy, (Docket Entry No. 52), asserting that this case should be stayed until his bankruptcy proceedings are resolved. Section 362(a)(1) provides for an automatic stay of any judicial “proceeding against the debtor.” 11 U.S.C. § 362(a)(1). “The purposes of the bankruptcy stay . . . are to protect the debtor’s assets, provide temporary relief from creditors, and further equity of distribution among the creditors by forestalling a race to the courthouse.” *Reliant Energy Servs., Inc. v. Enron Canada Corp.*, 349 F.3d 816, 825 (5th Cir. 2003) (quotations omitted). This case is not a proceeding against Harris. Neither the text nor cases decided under § 362 support a stay in this case. Harris’s motion to stay is denied.

SIGNED on August 15, 2017, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge