

**In the United States Bankruptcy Court
for the
Southern District of Georgia
Savannah Division**

In the matter of:)	
)	Adversary Proceeding
LARRY ALLEN DENNIS)	
(Chapter 7 Case No. <u>93-40173</u>))	Number <u>93-4147</u>
)	
<i>Debtor</i>)	
)	
JAMES L. DRAKE, JR.,)	
TRUSTEE)	
)	
<i>Plaintiff</i>)	
)	
v.)	
)	
LARRY ALLEN DENNIS II)	
TAMMY ANN DENNIS)	
)	
<i>Defendants</i>)	

**ORDER ON DEFENDANT AND DEBTOR'S MOTION TO VACATE THIS
COURT'S OCTOBER 4, 1997 ORDER FOR LACK OF JURISDICTION**

This request by Debtor relates to an underlying order of this Court, dated October 4, 1994, and a subsequent denial of Debtor's motion for reconsideration, dated November 27, 1996. The November order was appealed by Debtor to the District Court for the Southern District of Georgia, and was affirmed by that court on May 5, 1997. *See Dennis*

v. Drake, Civ. No. CV497-30 (S.D.Ga. 1997) (Moore, J.). The district court's judgment is currently on appeal to the Eleventh Circuit Court of Appeals. As such, it is the decision of this Court that the matter having been submitted to a court of appeals, this Court should not entertain further proceedings relating to this matter pursuant to 28 U.S.C. § 158(c)(2). See Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982) (per curiam) (district court will not consider matters appealed); See also United States v. Vicaria, 963 F.2d 1412, 1415 (11th Cir.), *cert. denied*, 506 U.S. 998 (1992); United States v. Prows, 888 F.2d 100, 101 (11th Cir.1989); Shewchun v. United States, 797 F.2d 941, 942 (11th Cir.1986); United States v. Rogers, 788 F.2d 1472, 1475 (11th Cir.1986).



Lamar W. Davis, Jr.
United States Bankruptcy Judge

Dated at Savannah, Georgia

This 7th day of November, 1997.