IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

In re:	§	
	§	
JAY SANDON COOPER,	§	Case No. 13-42695
	§	(Chapter 13)
Debtor.	§	

MEMORANDUM OPINION AND ORDER
DENYING MOTION TO PROCEED *IN FORMA PAUPERIS*

This case is before the Court on a motion by the debtor, Jay Sandon Cooper, to proceed *in forma pauperis* with an appeal from several orders entered during the course of his bankruptcy case. The orders relate to a variety of bankruptcy issues. The debtor filed a single notice of appeal and a separate document designating his issues on appeal, which he served on the master mailing matrix for his bankruptcy case.[1]

I. RELEVANT BACKGROUND

A. The Debtor's Assets and Liabilities on the Petition Date

By way of background, this case is the fifth chapter 13 bankruptcy case filed by the debtor. The debtor, acting *pro se*, initiated the present chapter 13 case by filing a voluntary petition on November 5, 2013. The debtor was unemployed on the petition date and was engaged in numerous lawsuits, administrative proceedings, and appeals. Several of his creditors placed judicial liens on his property prior to the petition date. In addition, he estimated that he owed more than $26,000 to the Internal Revenue Service.

The debtor was receiving a monthly pension in the amount of $2,508 on the petition date. In his bankruptcy schedules, the debtor disclosed real property valued at

[1] The master mailing matrix is an alphabetized creditor list which includes the mailing address for every creditor listed in the debtor's bankruptcy schedules, those agencies and officers of the United States required to receive notice, and parties who have filed appearances in the case. *See* LBR 1007(a).

$174,001 and personal property valued at $1,950. The debtor's homestead, which he valued at $173,751, was encumbered by secured claims, including a mortgage and judicial liens. His primary asset, which he did not assign any value, appeared to be a lengthy list of lawsuits, administrative proceedings, and appeals attached to his bankruptcy schedules.

Although the debtor disclosed little of value in his bankruptcy schedules, he claimed $1 million in "husband's assets" and $1 million in "wife's assets" as exempt from creditors.[2] The debtor did not cite any exemption statute as a basis for his claim. Instead, he claimed $1 million in "husband's assets" and $1 million in "wife's assets" as exempt under Texas Family Code § 3.201 (addressing spousal liability), Texas Family Code § 3.202 (addressing the rules of marital property liability), and the Texas Constitution, art. XVI, § 15 (addressing the separate and community property interests of husband and wife).

B. The Extension of Deadlines

Bankruptcy does not inevitably discharge all debts. For example, some debts are not dischargeable in bankruptcy if a creditor objects and the bankruptcy court sustains the objection. *See* 11 U.S.C. § 523(a). In this case, the original deadline for creditors to object to the debtor's ability to discharge their claims in bankruptcy was March 4, 2014, and the original deadline to file proof of their claims was April 3, 2014.

Prior to the deadline for objecting to dischargeability, the chapter 13 trustee moved to dismiss the debtor's case based on the debtor's history of unsuccessful chapter 13 cases. On January 24, 2014, this Court entered a default order granting the chapter 13

[2] The debtor did not disclose any interest in a $1.3 million default judgment his wife obtained against her former attorney in his bankruptcy schedules. In his declaration in support of his *in forma pauperis* request, the debtor lists the judgment as an asset of his current wife.

trustee's motion to dismiss after the debtor failed to appear for a hearing on the motion. Thereafter, on March 6, 2014, the Court reinstated the case based upon the debtor's motion.[3]

In the interim, *i.e*. between the date that the debtor's petition was dismissed and before it was reinstated, the deadline for creditors to oppose the dischargeability of their claims expired. The City of Plano filed a motion to extend the deadline, which the debtor opposed.[4] On July 8, 2014, following a contested hearing, the Court entered an order granting the City's motion and extending the deadlines for any creditor to file claims against the debtor and objections to the dischargeability of those claims.

C. The Chapter 13 Trustee's Objections to Exemptions

During the course of the debtor's bankruptcy case, the chapter 13 trustee objected to the debtor's claimed exemption of $1 million in "husband's assets" and $1 million in "wife's assets." The Court conducted a hearing on the objection on May 1, 2014. The debtor stated at the hearing that he and his wife did not have $2 million in assets but that he wanted to prevent his ex-wife, or anyone else, from asserting an interest in any assets he or his current wife might acquire in the future. The debtor could not cite any statutory basis for his claimed exemption. Accordingly, following the hearing, the Court entered an order denying the debtor's claimed exemption of assets that did not appear on his

[3] The Court conducted a hearing on the debtor's motion to vacate the dismissal of his case on March 5, 2014. The debtor appeared and explained that he had been unable to attend the hearing on the chapter 13 trustee's motion to dismiss his case, because on the day of the hearing, he was in trial in criminal court fighting a charge of driving under the influence.

[4] The City of Plano asserted a claim against the debtor's bankruptcy estate based on a sanctions award issued by the United States District Court for the Eastern District of Texas in *Jay S. Cooper v.City of Plano, et al.*, Case No. 4:10-cv-689. In his objection to the City's motion for an extension of bankruptcy deadlines, the debtor did not address the applicable bankruptcy rule (Federal Rule of Bankruptcy Procedure 4007). Rather, the debtor opposed the City's motion on the grounds that any argument by the City that his debt to the City could not be discharged in bankruptcy would be frivolous.

bankruptcy schedules and that he represented he and his wife did not possess. The Court denied the debtor's motion for reconsideration of its order on July 8, 2014.

D. The Debtor's Motions to Avoid Liens

On April 25, 2014, the debtor filed five motions to avoid judicial liens against his residence pursuant to § 522(f) of the Bankruptcy Code.[5] One of the judicial lien creditors, the City of Plano, objected to the motion. The Court scheduled the motion to avoid the City's judicial lien for hearing on July 2, 2012.

As to the other four creditors, the Court reviewed the debtor's motions and entered four orders on May 28, 2014, granting those motions in part. The Court conditioned the avoidance of the judicial liens on the debtor's first obtaining a bankruptcy discharge which, in a chapter 13 case, generally occurs after completion all of the payments required by a plan of reorganization. *See* 11 U.S.C. § 1328(a). The debtor filed motions for reconsideration as to each of the Court's four orders. The Court entered orders denying his motions for reconsideration on July 21, 2014.

The Court heard the debtor's motion to avoid the City of Plano's judicial lien on July 2, 2014. On July 16, 2014, following a hearing, the Court entered an order granting the debtor's motion in part. As with the Court's orders on the debtor's other four motions to avoid judicial liens on his homestead pursuant to § 522(f), the Court conditioned the avoidance of the City's judicial lien on the debtor's homestead on the debtor first obtaining a discharge of his debts in bankruptcy.

[5] Section 522(f)(1)(A) provides, in pertinent part, that "the debtor may avoid the fixing of a lien on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled ... if such lien is ... a judicial lien[.]" 11 U.S.C. § 522(f)(1)(A). However, if a debtor does not complete his case, and the case is dismissed, Bankruptcy Code § 349 will reinstate any lien avoided under § 522. Section 349 provides, in relevant part, that "[u]nless the court, for cause, orders otherwise, a dismissal of a case ... reinstates ... any transfer avoided under section 522...." 11 U.S.C. § 349(b)(1)(B).

E. The Debtor's Motion to "Cancel" his Home Mortgage

On April 25, 2014, the debtor filed a motion to "cancel" the mortgage on his home held by the Bank of New York Mellon f/k/a the Bank of New York as Successor in Interest to JPMorgan Chase Bank, National Association, as Trustee for C-Bass Mortgage Loan Asset-Backed Certificates, Series 2004-RP1. Ocwen Loan Servicing, L.L.C., as mortgage servicer, opposed the motion. The Court scheduled the debtor's motion for a hearing on July 2, 2014.

At the hearing, Ocwen argued that Federal Rule of Bankruptcy Procedure 7001(1) requires that an action to avoid a lien be brought as an adversary proceeding. At the conclusion of the hearing, the Court announced that she would deny the debtor's motion to cancel his mortgage for procedural reasons. The Court entered an order denying the debtor's motion on July 8, 2014.

F. The Debtor's Proposed Plans of Reorganization

The debtor filed his first proposed plan of reorganization on December 3, 2013. The Court scheduled the plan for a hearing on confirmation on February 4, 2014. The Court subsequently entered an order striking the proposed plan because the debtor had failed to serve it on his creditors.

The debtor filed an amended plan on March 12, 2014. The Court scheduled the amended plan for a confirmation hearing on April 30, 2014. At that hearing, the debtor and the chapter 13 trustee announced that the debtor had agreed to the Court's entry of a "first denial" order, that is, an order denying confirmation of his amended plan and requiring him to file a new plan. On May 2, 2014, the Court entered an order denying confirmation of the debtor's amended plan, requiring the debtor to file a new plan within

30 days, and requiring the debtor to obtain confirmation of the new plan or his case would be dismissed with prejudice to re-filing for 120 days.

The debtor timely filed a new plan of reorganization, which the Court scheduled for a confirmation hearing on July 22, 2014. The debtor appeared at the hearing but did not seek confirmation of his plan. Instead, he asked this Court to grant a motion he had filed on July 21, 2014, to voluntarily dismiss his bankruptcy case.[6] At the conclusion of the confirmation hearing, the Court announced that it would enter an order dismissing the debtor's bankruptcy case with prejudice to re-filing for 120 days consistent with the May 2nd order. The Court entered the dismissal order on July 24, 2014.

II. DISCUSSION

An appeal from a final order of a bankruptcy court is taken in the same manner as appeals from federal district courts. *See* 28 U.S.C. § 158(c)(2). Title 28 U.S.C. § 1915 governs proceedings taken *in forma pauperis*. Federal courts may authorize the maintenance of an appeal without prepayment of fees and costs if a person shows, by affidavit, that "the person is unable to pay such fees or give security therefore." 28 U.S.C. § 1915(a)(1). The supporting affidavit must state the facts of the affiant's poverty with "some particularity, definiteness and certainty." *U.S. v. McQuade*, 647 F.2d 938, 940 (9th Cir. 1981) (per curiam) (citation omitted). The statute also authorizes courts to dismiss an *in forma pauperis* action if the allegation of poverty is untrue or if the action or appeal (i) is frivolous or malicious; (ii) fails to state a claim upon which relief may be granted; or (iii) seeks monetary relief from a defendant who is immune from such relief.

[6] Notably, § 109(g) of the Bankruptcy Code imposes a 180-day prejudice period to refiling if a debtor seeks a dismissal of his case after a motion for relief from the automatic stay has been filed. In this case, motions for relief from the automatic stay were filed on April 1 and April 11, 2014. The debtor subsequently filed his motion to dismiss his case.

28 U.S.C. § 1915(e)(2). However, courts exercise leniency when construing applications to proceed *in forma pauperis* filed by individuals who are acting *pro se*. *See Balistreri v. Pacifica Police Dept.,* 901 F.2d 696, 699 (9th Cir. 1990); *Crisafi v. Holland,* 655 F.2d 1305, 1308 (D.C. Cir. 1981) (per curiam).

A. Ability to Pay

Here, the debtor is acting *pro se*. He submitted a declaration in support of his motion to proceed with his appeal *in forma pauperis*. *See* 28 U.S.C. § 1746 (providing for the use of declarations in lieu of affidavits in cases involving federal laws); FED. R. APP. P. 24(a)(1) (proscribing the contents of an affidavit or declaration supporting an *in forma pauperis* request). In his declaration, the debtor represents that he is earning a pension of $2,508 a month, which he expects will be adjusted upward by $100 in November 2014. The debtor discloses nominal assets consistent with his bankruptcy schedules. The debtor also explains that his negative employment history with the City of Dallas has adversely affected his job opportunities, and his career as a commercial driver ended when he was arrested and charged with driving under the influence in August 2011.

The debtor's declaration details expenses totaling $2,308 per month plus variable legal expenses for online research and postage. The debtor's monthly expenses do not include a mortgage payment, and the debtor states that he has not had water and gas at his home since 2008. The debtor, however, states in his declaration that his expenses include $790 a month for "utilities," including "electricity, heating, fuel, water, sewer and phone." His declared expenses also include $200 in "homeowner's or renter's insurance"

that he is not actually paying, but that he states is being added to an alleged mortgage default.

The specific fees and costs at issue total only $298. *See* 28 U.S.C. §§ 1930(b) (authorizing the Judicial Conference of the United States to prescribe fees) and 1930(c) (specifically providing for a $5 assessment upon the filing of any notice of appeal). *See also* Judicial Conference Schedule of Fees, at no. 14, reprinted in 28 U.S.C. § 1930. The debtor's declaration in support of his *in forma pauperis* request, even accepted at face value, appears to show that he has the funds to pay these costs. *See Prows v. Kastner*, 842 F.2d 138, 140 (5th Cir. 1988) ("Section 1915 is intended to provide access to federal courts for plaintiffs who lack the financial resources to pay any part of the statutory filing costs."). The Court now turns to whether the appeal is in good faith.

B. The Nature of the Appeal

Ordinarily, a request for leave to proceed *in forma pauperis* must first be made to the trial court, and an appeal may not be taken if the trial court certifies in writing that the appeal is not taken in good faith. *See* 28 U.S.C. § 1915(a)(3).[7] "Good faith" is demonstrated when a party seeks appellate review of any issue "not frivolous." *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983) (citing *Coppedge v. United States*, 369 U.S. 438 (1962)). An action is frivolous when it lacks an arguable basis either in law or fact, *see Neitzke v. Williams*, 490 U.S. 319, 325 (1989), or if the plaintiff appears to have "little or no chance of success," *see Carroll v. Gross*, 984 F.2d 392, 393 (11th Cir. 1993).

Turning to this case, the debtor raises seven "issues" in his designation of issues on appeal. The Court will discuss each of these issues in turn. As a preliminary matter,

[7] Further, the appellate court may dismiss the case at any time *sua sponte*, and notwithstanding the payment of fees, if the appellate court determines the appeal is frivolous. *See* 28 U.S.C. § 1915(e)(2)(B)(i).

however, many of these issues are moot as a result of the dismissal of the debtor's bankruptcy case. The debtor does not dispute the dismissal -- indeed, he filed a motion seeking to dismiss his case. The debtor disputes whether the dismissal should have been with prejudice to refiling for 120 days.

1. The Debtor's Motions to Avoid Judicial Liens

The debtor's first issue on appeal is his assertion that this Court erred "when it conditioned the avoidance or cancellation of judicial liens against Debtor's homestead" under § 522(f) of the Bankruptcy Code. As the Court explained in its orders denying the debtor's motions for reconsideration, the majority of courts have conditioned § 522(f) orders releasing judicial liens on the issuance of a bankruptcy discharge. *See In re Harris*, 482 B.R. 899 (Bankr. N.D. Ill. 2012) (collecting authority). Doing so ensures that creditors' interests are protected if the debtor does not receive a discharge. In that instance, the avoided liens would be automatically, statutorily reinstated by § 349(b) of the Bankruptcy Code. As the bankruptcy court in *Harris* explained:

> In addition to section 349(b)'s failure to provide creditors with complete protection, the practical application of reinstating a lien under the statute is burdensome and fraught with problems. "One c[an] argue that § 349(b)(1)(B) is self-effectuating in nature" and that, if a case is dismissed, the avoidance of a lien is automatically invalidated. "While such a proposition is theoretically correct ..., its practical application is problematic. Once a lien upon real estate has been avoided, and the order of avoidance made part of the appropriate real estate records, the reversal of the lien avoidance is akin to unringing a bell."

Id. at 902 (citations omitted).

Here, the Court dismissed the debtor's case without entering a discharge. The question of whether the judicial liens on the debtor's homestead could have been temporarily avoided under § 522(f) during the pendency of his chapter 13 case no longer

matters. The debtor's appeal is frivolous because it is moot. With respect to the substance of the § 522(f) issue raised by the debtor, this Court is unaware of any controlling authority on the issue of whether § 522(f) lien avoidance may be made subject to discharge. The Court cannot say that the debtor's argument for the minority position -- that § 522(f) lien avoidance must be unconditional and immediate -- is entirely frivolous. *See, e.g., In re Mulder,* 2010 WL 4286174, at *2-3 (Bankr. E.D.N.Y. Oct. 26, 2010) (recognizing the majority view but finding that § 522(f) lien avoidance "cannot be made subject to any subsequent event").

2. The Chapter 13 Trustee's Objections to Exemptions

The debtor's second issue is that this Court erred when it deprived him of exemptions allowed by Texas law. The debtor claimed to exempt from his creditors $1 million in "husband's assets" and $1 million in "wife's assets." The debtor did not cite any Texas statutes allowing his claimed exemptions. Moreover, his schedules did not include $2 million in assets, and the debtor stated at the hearing on his claimed exemptions that neither he nor his wife had $1 million in assets.

When a debtor files for bankruptcy, a bankruptcy estate is automatically created. The bankruptcy estate includes all of a debtor's legal or equitable interests in property. *See* 11 U.S.C. § 541(a). Section 522(b) allows a debtor to exempt certain property from the bankruptcy estate. *See* 11 U.S.C. § 522(b)(1). Schedule C of Official Form 6, *see* 11 U.S.C.A. Official Bankruptcy Form 6 (Schedules A – J), requires a debtor to specify the law providing for the claimed exemption. Exempt property is, initially, property of the estate and then may be claimed and distributed to the debtor as exempt from the debtor's creditors under applicable law.

Here, the Court has dismissed the debtor's bankruptcy case, and whether the Court correctly ruled on his claimed exemptions no longer matters. The debtor's exemption issue is frivolous because it is moot. With respect to the substance of the debtor's issue, the debtor represented to this Court that he and his wife did not have $1 million in "husband's assets" or $1 million in "wife's assets" to claim as exempt. At the hearing on the chapter 13 trustee's objection to his claimed exemption, the debtor failed to present legal authority that he may claim an exemption in assets he does not own but speculates that he or his wife might someday acquire. The debtor's appeal from the Court's order sustaining the chapter 13 trustee's objection to his claimed exemption is moot, lacks any legal merit, and is frivolous.

3. The Extension of Claim and Dischargeability Deadlines

The debtor also seeks to appeal from this Court's order extending the deadline for any creditor to file a proof of claim and an objection to the dischargeabilty of the claim in bankruptcy. The Court has dismissed the debtor's bankruptcy case, and the deadline for filing claims or objecting to dischargeability no longer matters. This issue is frivolous because it is moot.

With respect to the substance of the debtor's issue, an order extending the deadline for determining the dischargeability of debts only decides an intervening matter and, thus, is not a final order. *See Lure Launchers, LLC v. Spino,* 306 B.R. 718 (1st Cir. BAP 2004). Furthermore, the expiration of the bar dates during a period of time when a bankruptcy proceeding has been dismissed after the § 341 meeting of creditors, and where the case is subsequently reinstated, has been held to be a sufficient reason to reissue a bar date for opposing dischargeability of claims as well as filing a proof of

claim. *See In re Gulley*, 400 B.R. 529, 538-39 (Bankr. N.D. Tex. 2009); *see also In re Dunlap*, 217 F.3d 311, 315-17 (5th Cir. 2000). The debtor's appeal from the Court's order extending the deadlines for creditors to file claims and object to the dischargeability of claims lacks any legal merit.

4. The Date of the Confirmation Hearing

Next, the debtor asserts that this Court erred "when it set the date of confirmation before the resolution of Debtor's objections to claims." Again, the Court has dismissed the debtor's case, and the date of the confirmation hearing no longer matters. This issue is frivolous because it is moot. Furthermore, the Bankruptcy Code mandates early confirmation of chapter 13 cases. *See* 11 U.S.C. § 1334(b) (confirmation to be held not later than 45 days after the first meeting of creditors); FED. R. BANKR. P. 3002(c) (deadline for filing proofs of claim is 90 days after the first meeting of creditors). The debtor's appeal from the Court's scheduling of the confirmation hearing lacks any legal merit and is frivolous.

5. Denial of the Debtor's Motion to "Cancel" his Home Mortgage

The debtor's fifth issue is that this Court erred "when it deprived Debtor of an evidentiary hearing asserting that Debtor's Motion was being dismissed or denied only on procedure grounds and without prejudice, and then entered an Order that might be construed that there was a trial on the merits and dismissal or denial was not stated as specifically being 'without' prejudice." This issue appears to relate to the Court's denial of the debtor's motion to invalidate or "cancel" the mortgage on his home. As previously discussed, the Court explained at the hearing on the motion that she would deny the debtor's motion to "cancel" his mortgage because it needed to be brought as an adversary proceeding. The Court entered an order denying his motion on July 8, 2014.

The debtor appears to believe that an order denying a motion must state that it is without prejudice or else the order is with prejudice. The reverse is true under the applicable Bankruptcy Rules.

Ocwen's objection to the debtor's motion to invalidate his mortgage gave rise to a "contested matter."[8] Bankruptcy Rule 9014 governs contested matters in bankruptcy. Bankruptcy Rule 9014 adopts and applies Bankruptcy Rule 7041 to contested matters, which, in turn, adopts Federal Rule of Civil Procedure 41 (with certain modifications not relevant here). Since the Court's order denying the debtor's motion was silent as to whether it was with or without prejudice, it is presumed to be without prejudice. *See* FED. R. CIV. P. 41(a)(2). Accordingly, the debtor's appeal from the Court's order denying his motion to cancel his home mortgage lacks any legal merit and is frivolous.

6. Dismissal with Prejudice

Next, the debtor challenges the Court's dismissal of his case with prejudice. He does not challenge the dismissal itself, but the fact that the dismissal was with prejudice to re-filing for 120 days. The debtor complains that this Court "erred when it dismissed Debtor's bankruptcy with prejudice to refiling for 120 days when Debtor had filed and presented a Motion to Voluntarily Dismiss, the authoritative statute for which provides an absolute right of dismissal upon Debtor's request, and does not provide for prejudice."

In this issue, the debtor is referring to a motion he filed seeking to dismiss his case under § 1307(b) of the Bankruptcy Code on the day before a contested confirmation hearing. The Court's docket reflects that the debtor's motion to dismiss was not set for hearing. Following the dismissal of his bankruptcy case as a result of his failure to obtain

[8] "Contested matter" and "adversary proceeding" are terms of art in the bankruptcy context. A matter qualifies as an "adversary proceeding," as opposed to a "contested matter," if it is included in the list given in Bankruptcy Rule 7001. Otherwise, it is a "contested matter." *See* FED. R. BANKR.P. 9014(a).

confirmation at the contested confirmation hearing, the debtor's motion to dismiss became moot.

A debtor in bankruptcy does not have an absolute right to dismiss his bankruptcy case under § 1307(b), *see In re Jacobsen*, 609 F.3d 647, 660 (5th Cir. 2010), particularly here, where the debtor filed the motion in an effort to evade a prior order of this Court. As previously discussed, the chapter 13 trustee objected to confirmation of the debtor's earlier proposed plan of reorganization. On May 2nd, the Court entered an order sustaining the objection and requiring the debtor to file a new plan. The May 2nd order also provided that the debtor's case would be dismissed with prejudice to refiling if he failed to confirm the new plan.

The chapter 13 trustee objected to confirmation of the debtor's new plan. The debtor filed his motion to dismiss his case on the eve of the confirmation hearing. At the confirmation hearing, the debtor did not attempt to obtain confirmation of his plan, but argued, instead, that the Court should grant his motion to dismiss his case. The debtor failed to provide this Court with any authority that would allow him to use § 1307(b) as an "escape hatch" from which to avoid this Court's May 2nd order. *See id*. (holding that § 1307(b) does not provide an "escape hatch" from which to escape a motion to convert a chapter 13 case to chapter 7 under § 1307(c)). Furthermore, if this Court had granted the debtor's motion to dismiss, the prejudice period would have been 180 days, not 120 days. *See* 11 U.S.C. § 109(g). The debtor's appeal from the Court's order dismissing his bankruptcy case with prejudice to refiling for 120 days lacks any legal merit and is frivolous.

7. Denial of Motions for Reconsideration

Finally, the debtor complains that this Court "erred or abused its discretion by denying Debtor's motions to correct errors." This issue appears to relate to the Court's denial of some of the debtor's various motions to vacate, alter, or reconsider its orders. The debtor, however, fails to identify any specific final order from which an appeal would be proper or any specific error by the Court in denying his motions. The debtor's appeal from unidentified orders for unidentified reasons lacks any legal merit and is frivolous.

III. CONCLUSION

For the forgoing reasons, this Court concludes that the debtor has the funds to pay the statutory filing costs of an appeal. The Court certifies that the debtor's appeal of this Court's orders is not taken in good faith and, further, the purpose of 28 U.S.C. § 1915 would not be served by granting the debtor's request to proceed with his appeal *in forma pauperis.* It is therefore **ORDERED** that the debtor's motion to proceed with his appeal *in forma pauperis* is **DENIED**.

Signed on 10/21/2014

Brenda T. Rhoades MD

HONORABLE BRENDA T. RHOADES,
CHIEF UNITED STATES BANKRUPTCY JUDGE