

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

---

No. 16-15117-EE

---

DEANDRE RUSSELL,

Plaintiff - Appellant,

versus

REDSTONE FEDERAL CREDIT UNION,  
C. HOWARD GRISHAM,  
Attorneys and Collection Agency,  
JEFFERY L. COOK,  
Attorneys and Collection Agency, et al.,

Defendants - Appellees.

---

Appeal from the United States District Court  
for the Northern District of Alabama

---

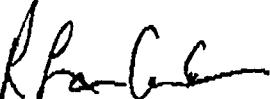
ON PETITION(S) FOR REHEARING AND PETITION(S) FOR REHEARING EN BANC

BEFORE: JULIE CARNES, JILL PRYOR and ANDERSON, Circuit Judges.

PER CURIAM:

The Petition(s) for Rehearing are DENIED and no Judge in regular active service on the Court having requested that the Court be polled on rehearing en banc (Rule 35, Federal Rules of Appellate Procedure), the Petition(s) for Rehearing En Banc are DENIED.

ENTERED FOR THE COURT:

  
\_\_\_\_\_  
UNITED STATES CIRCUIT JUDGE

ORD-42

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

---

No. 16-16943  
Non-Argument Calendar

---

D.C. Docket Nos. 5:15-cv-01699-KOB; 5:14-bkc-80149-CRJ

In re: DEANDRE RUSSELL,

Debtor.

---

DEANDRE RUSSELL,

Plaintiff-Appellant,

versus

ANTHONY INGEGNERI,  
MARK PETTERSON,  
MARK GRIFFIN,  
KELLEY ASKEW GILLIKIN,

Defendants-Appellees..

---

Appeal from the United States District Court  
for the Northern District of Alabama

---

(February 21, 2018)

Before MARTIN, JILL PRYOR, and ANDERSON, Circuit Judges.

PER CURIAM:

Deandre Russell, proceeding *pro se*, appeals the district court's order affirming the bankruptcy court's dismissal of his adversary proceeding. On appeal, Russell argues that the bankruptcy court erred by dismissing his adversary proceeding instead of *sua sponte* transferring it to a district court.

We review legal conclusions by both the bankruptcy court and the district court *de novo*. *In re Morris*, 950 F.2d 1533 (11th Cir. 1992).

While the dismissal of an underlying bankruptcy case does not automatically strip a federal court of jurisdiction over an adversary proceeding which was related to the bankruptcy case at the time of its commencement, the decision whether to retain jurisdiction over the adversary proceeding is left to the sound discretion of the bankruptcy court or the district court, depending upon where the adversary proceeding is pending. *Id.* at 1534. We have considered three factors in determining whether jurisdiction over the proceeding should be retained: (1) judicial economy; (2) fairness and convenience to the litigants; and (3) the degree of difficulty of the related legal issues involved. *Id.* at 1535.

Here, the district court did not err by affirming the bankruptcy court's dismissal of Russell's adversary proceeding. The bankruptcy court correctly applied the *Morris* factors, noting that the underlying bankruptcy had been dismissed, that discovery had not yet occurred on Russell's claims, that the defendants had not consented to adjudication by the bankruptcy court, and that Russell was seeking a jury trial for his claims.

**AFFIRMED.<sup>1</sup>**

---

<sup>1</sup> Russell's motion for an appeals conference and motion to file an untimely motion for reconsideration of our order denying a stay are **DENIED**.

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

---

No. 16-16943  
Non-Argument Calendar

---

D.C. Docket Nos. 5:15-cv-01699-KOB; 5:14-bkc-80149-CRJ

In re: DEANDRE RUSSELL,

Debtor.

---

DEANDRE RUSSELL,

Plaintiff-Appellant,

versus

ANTHONY INGEGNERI,  
MARK PETTERSON,  
MARK GRIFFIN,  
KELLEY ASKEW GILLIKIN,

Defendants-Appellees.

---

Appeal from the United States District Court  
for the Northern District of Alabama

---

(February 21, 2018)

Before MARTIN, JILL PRYOR, and ANDERSON, Circuit Judges.

PER CURIAM:

Deandre Russell, proceeding *pro se*, appeals the district court's order affirming the bankruptcy court's dismissal of his adversary proceeding. On appeal, Russell argues that the bankruptcy court erred by dismissing his adversary proceeding instead of *sua sponte* transferring it to a district court.

We review legal conclusions by both the bankruptcy court and the district court *de novo*. *In re Morris*, 950 F.2d 1533 (11th Cir. 1992).

While the dismissal of an underlying bankruptcy case does not automatically strip a federal court of jurisdiction over an adversary proceeding which was related to the bankruptcy case at the time of its commencement, the decision whether to retain jurisdiction over the adversary proceeding is left to the sound discretion of the bankruptcy court or the district court, depending upon where the adversary proceeding is pending. *Id.* at 1534. We have considered three factors in determining whether jurisdiction over the proceeding should be retained: (1) judicial economy; (2) fairness and convenience to the litigants; and (3) the degree of difficulty of the related legal issues involved. *Id.* at 1535.

Here, the district court did not err by affirming the bankruptcy court's dismissal of Russell's adversary proceeding. The bankruptcy court correctly applied the *Morris* factors, noting that the underlying bankruptcy had been dismissed, that discovery had not yet occurred on Russell's claims, that the defendants had not consented to adjudication by the bankruptcy court, and that Russell was seeking a jury trial for his claims.

**AFFIRMED.<sup>1</sup>**

---

<sup>1</sup> Russell's motion for an appeals conference and motion to file an untimely motion for reconsideration of our order denying a stay are **DENIED**.