

United States Court of Appeals
For the Eighth Circuit

No. 22-2460

Theresa Marshall

Plaintiff - Appellant

v.

Educational Credit Management Group; Educational Credit Management Corporation, ECMC; Kimberly Wood Tucker, Attorney

Defendants - Appellees

No. 22-2470

Theresa Marshall

Plaintiff - Appellant

v.

Wells Fargo & Company; Wells Fargo Bank NA; Deutsche Bank National Trust Company, as Trustee for Vendee Mortgage Trust 1993-1, United States Department of Veterans Administration's Guaranteed Pass-Through Certificate

Defendants - Appellees

Appeals from United States District Court
for the Eastern District of Arkansas - Central

A

Submitted: January 19, 2023
Filed: January 24, 2023
[Unpublished]

Before SHEPHERD, GRASZ, and KOBES, Circuit Judges.

PER CURIAM.

In these back-to-back appeals, Arkansas resident Theresa Marshall appeals the district court's¹ dismissal of her pro se complaints. Upon careful review, we conclude that the district court did not err in dismissing the cases. See Laclede Gas Co. v. St. Charles Cnty., Mo., 713 F.3d 413, 417 (8th Cir. 2013) (de novo review of dismissal for lack of subject matter jurisdiction); Moore v. Sims, 200 F.3d 1170, 1171 (8th Cir. 2000) (per curiam) (28 U.S.C. § 1915(e) dismissal for failure to state a claim is reviewed de novo). Accordingly, we affirm in both appeals, see 8th Cir. R. 47B, and we deny Marshall's pending motions as moot.

¹The Honorable D.P. Marshall Jr., Chief Judge, United States District Court for the Eastern District of Arkansas.

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 22-2460

Theresa Marshall

Plaintiff - Appellant

v.

Educational Credit Management Group; Educational Credit Management Corporation, ECMC;
Kimberly Wood Tucker, Attorney

Defendants - Appellees

Appeal from U.S. District Court for the Eastern District of Arkansas - Central
(4:21-cv-00751-DPM)

JUDGMENT

Before SHEPHERD, GRASZ, and KOBES, Circuit Judges.

This appeal from the United States District Court was submitted on the record of the district court and briefs of the parties.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in accordance with the opinion of this Court.

January 24, 2023

Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

B

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 22-2460

Theresa Marshall

Appellant

v.

Educational Credit Management Group, et al.

Appellees

No: 22-2470

Theresa Marshall

Appellant

v.

Wells Fargo & Company, et al.

Appellees

Appeal from U.S. District Court for the Eastern District of Arkansas - Central
(4:21-cv-00751-DPM)
(4:21-cv-01091-DPM)

ORDER

The petition for en banc rehearing and the amended petition for en banc rehearing are denied. The petition for panel rehearing and the amended petition for panel rehearing are also denied.

Judge Benton did not participate in the consideration or decision of this matter.

February 28, 2023

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

C

/s/ Michael E. Gans

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

THERESA MARSHALL

PLAINTIFF

v.

No. 4:21-cv-751-DPM

EDUCATIONAL CREDIT MANAGEMENT
GROUP; EDUCATIONAL CREDIT
MANAGEMENT CORPORATION, ECMC;
and KIMBERLY WOOD TUCKER, Attorney

DEFENDANTS

ORDER

1. Marshall believes that ECMC/ECMG have fraudulently pursued a debt that she no longer owes. This belief has led her to challenge ECMC/ECMG's collection activities in federal and state courts for more than twenty years. In its 25 May 2022 Order, the Court held that Marshall's claims in this case are either untimely or have been decided against her in one or more of her many cases. The Court stands by those conclusions.

2. In its screening Order, the Court identified Marshall's 2002 bankruptcy case as a source of preclusion. An Arkansas state court agreed more than a decade ago. That raises an issue not addressed in the Court's prior Order: the application of the *Rooker-Feldman* doctrine. The relief Marshall seeks in this case, if granted, would nullify a 2011 state court judgment in favor of ECMC in *Marshall v. Educational Credit Management Co.*, No. 60CV-10-5500 (Cir. Ct. Pulaski Cty. 1 April 2011).

That court concluded that Marshall's 1995 bankruptcy case did not discharge her debt to ECMC and that her claims against the company were precluded by decisions made by the Bankruptcy Courts in Marshall's 2002 and 2005 bankruptcy cases. Marshall did not appeal. And this Court does not have the power to second guess the state court's judgment. *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280, 284 (2005); *see also Skinner v. Switzer*, 562 U.S. 521, 531-32 (2011). Whether this Court's review of those decisions would violate the *Rooker-Feldman* doctrine, or her claims are otherwise precluded, all of Marshall's arguably on-time claims against ECMC/ECMG are barred.

3. Marshall also seeks sanctions against the attorney who represented ECMC/ECMG in the most recent of her many bankruptcy cases. As the Court said in its screening Order, any issues that Marshall has with the attorney's conduct could have been (and should have been) raised and resolved in those proceedings.

4. Marshall has filed a notice of appeal and a motion to proceed *in forma pauperis* on appeal. The notice of appeal, *Doc. 25*, will ripen into effectiveness when this Order addressing Marshall's Rule 60 motion is entered. FED. R. APP. P. 4(a)(4)(B)(i). And she may file a new notice or amend her notice if she chooses. FED. R. APP. P. 4(a)(4)(B)(ii). Her motion to appeal *in forma pauperis*, *Doc. 26*, is denied as moot. The Court has already granted her motion to proceed *in forma pauperis*. *Doc. 7*. She

therefore does not need this Court's approval to proceed *in forma pauperis* on appeal. FED. R. APP. P. 24(a)(3).

* * *

The Court has reconsidered its dismissal of Marshall's claims. But her motion to reinstate her case, *Doc. 24*, is denied.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

6 July 2022

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

THERESA MARSHALL

PLAINTIFF

v.

No. 4:21-cv-751-DPM

**EDUCATIONAL CREDIT
MANAGEMENT GROUP;
EDUCATIONAL CREDIT
MANAGEMENT CORPORATION,
ECMC; KIMBERLY WOOD
TUCKER, Attorney**

DEFENDANTS

ORDER

1. After screening, the Court directed Marshall to file an amended complaint to clarify her claims. *Doc. 7*. She did so on time. *Doc. 8*. She has also moved to amend her amended pleading four times. Those motions, *Doc. 9, 10, 11, & 18*, are granted. The Court must screen her updated pleading, working from *Doc 9-1* as revised by the amendments. The Court regrets its delay in attending to Marshall's case.

2. Marshall has pursued many bankruptcy actions during the last twenty-seven years. *E.g., In re Theresa Marshall*, 4:95-bk-43532 (E.D. Ark.); *Marshall v. AFSA Data Corp., et al.* 4:99-ap-04055 (E.D. Ark.); *In re Theresa Marshall*, 4:02-bk-11804 (E.D. Ark.); *In re Theresa Marshall*, 4:05-bk-20492 (E.D. Ark); *In re Theresa Marshall*, 4:08-bk-13441 (E.D.

Ark.), *aff'd*, 407 B.R. 359 (B.A.P. 8th Cir. 2009); *In re Theresa Marshall*, 4:16-bk-15651 (E.D. Ark.), *appeal dismissed*, No. 18-6008 (B.A.P. 8th Cir. 2018), *appeal dismissed*, No. 18-3142 (8th Cir. 2018), *appeal untimely*, No. 18-6009 (B.A.P. 8th Cir. 2018), *appeal untimely*, No. 18-6010 (B.A.P. 8th Cir. 2018), *aff'd*, 723 Fed. App'x 384 (8th Cir. 2018), *appeal dismissed*, No. 18-6016 (B.A.P. 8th Cir. 2018), *appeal dismissed*, No. 18-2791 (8th Cir. 2019), *appeal dismissed*, No. 19-6014 (B.A.P. 8th Cir. 2019), *appeal dismissed*, No. 19-6024 (B.A.P. 2020); *In re Theresa Marshall*, 4:18-bk-12478 (E.D. Ark.), *appeal dismissed*, No. 18-6021 (B.A.P. 2018), *appeal dismissed*, No. 18-6022 (B.A.P. 8th Cir. 2018), *aff'd*, 595 B.R. 269 (B.A.P. 8th Cir. 2019); *appeal dismissed*, No. 18-6024 (B.A.P. 8th Cir. 2018), *aff'd* 596 B.R. 366 (B.A.P. 8th Cir. 2019), *appeal dismissed*, No. 18-6025 (B.A.P. 8th Cir. 2018), *appeal dismissed*, No. 19-6042, (B.A.P. 8th Cir. 2020).

In this case, Marshall alleges that Educational Credit Management Corporation and Educational Management Group acted wrongly in many of those proceedings. She pleads details and dates. Marshall says ECMC had no standing as a guarantor of her student loan, but asserted loan-based claims in her bankruptcies even though these loans had been discharged in earlier bankruptcy proceedings. She is critical of Judge Richard D. Taylor's handling of these claims.

Marshall's complaint as amended fails to state a claim that can go forward. She is clear that almost all of the challenged conduct occurred many years ago. And all the material events occurred outside the

applicable three-year statute of limitations for the fraud and conspiracy claims, and outside the five-year statute of limitations for the deceptive trade practices claim, that she asserts now. ARK. CODE ANN. § 16-56-105 (three-year statute); *Varner v. Peterson Farms*, 371 F.3d 1011, 1016 (8th Cir. 2004) (fraud & civil conspiracy); ARK. CODE ANN. § 4-88-115 (five-year statute); *Apex Oil Company v. Jones Stephens Corp.*, 881 F.3d 658, 662 (8th Cir. 2018) (ADTPA).

Moreover, to the extent Marshall is challenging the Bankruptcy Court's decisions, or ECMC/ECMG's actions contrary to that Court's procedural rules, the time for raising those challenges was in an appeal from a final judgment, order, or decree of the Bankruptcy Court. 28 U.S.C. § 158(a)(1) & (b)(1). In Marshall's 2002 bankruptcy, Judge Mixon rejected her challenge to ECMC's claim. As she acknowledges in one of her amendments, he concluded that "ECMS's claim is supported by sufficient documentation setting forth the nature and amount of the claim." *Doc. 10 at 43*; *Doc. 96 in In re Theresa Marshall*, 4:02-bk-11804 (E.D. Ark.). Marshall did not appeal Judge Mixon's 2003 ruling. The Court notes and understands that, in the fall of 2018, Marshall attempted to appeal some issues but the Bankruptcy Appellate Panel dismissed her appeal for lack of jurisdiction. *Doc. 10 at 4-6*. That circumstance, however, does not eliminate the law's requirement that Marshall had to file a timely appeal from final orders of the Bankruptcy Court to challenge things that happened or that were

decided in her many earlier cases. The claims that Marshall seeks to press now against ECMC/ECMG either were, or could have been, resolved in Marshall's many prior bankruptcy proceedings. And some of the specific issues she raises have been decided against her. *Hardy v. Hardy*, 2011 Ark. 82, *5-6, 380 S.W.3d 354, 357-58 (claim preclusion); *Vibo Corp., Inc. v. State ex rel. McDaniel*, 2011 Ark. 124, *25, 380 S.W.3d 411, 427 (issue preclusion). Her motion for appointed counsel, *Doc. 17*, is denied as moot. Her amended complaint will be dismissed with prejudice because she cannot overcome the limitations bar or the preclusion bar by further amending her pleading.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

25 May 2022

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

TERESA MARSHALL

PLAINTIFF

v.

No. 4:21-cv-751-DPM

EDUCATIONAL CREDIT
MANAGEMENT GROUP;
EDUCATIONAL CREDIT
MANAGEMENT CORPORATION; and
KIMBERLY WOOD TUCKER

DEFENDANTS

ORDER

Opposed motion, *Doc. 15*, granted as modified. The Court is working on screening Marshall's amended complaint and considering her motions to amend that pleading. The deadline for any defendant to answer or file a Rule 12(b) motion is stayed pending the Court's screening decision and ruling on Marshall's pending motions.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

2 February 2022

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

THERESA MARSHALL

PLAINTIFF

v.

No. 4:21-cv-751-DPM

**EDUCATIONAL CREDIT
MANAGEMENT GROUP; and
EDUCATIONAL CREDIT
MANAGEMENT CORPORATION,
ECMC**

DEFENDANTS

ORDER

1. Marshall's applications to proceed *in forma pauperis*, Doc. 1 & 6, and accompanying motion to amend, Doc. 3, are granted. She reports living on fixed retirement income and no ability to pay the filing fee.

2. The Court must screen her complaint. 28 U.S.C. § 1915(e)(2). Marshall, who has pursued a number of bankruptcies in recent years, alleges defendants conspired with the Bankruptcy Court to become the guarantor of her student loans. She says defendants then notified a nationwide database that her loan was in default, resulting in her inability to complete her education. And she says defendants unlawfully took her tax refunds without the standing to do so.

Because the parties are diverse and because Marshall seeks more than \$75,000 in damages, the Court has jurisdiction. 28 U.S.C. § 1332. But, Marshall's allegations are insufficiently pleaded at present. If

Marshall is appealing a decision of the Bankruptcy Court, then she must identify the ruling and appeal that decision according to the appropriate appellate rules. If Marshall is making a free-standing fraud claim, then she must give specifics – the who, what, when, where, and how of the alleged fraud. FED. R. CIV. P. 9(b). Without more information, the Court cannot determine whether she has a plausible claim. *Mick v. Raines*, 883 F.3d 1075, 1079 (8th Cir. 2018). The Court will therefore dismiss Marshall's case without prejudice unless she files an amended complaint by 17 December 2021 that cures the pleading deficiencies.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

16 November 2021

**UNITED STATES BANKRUPTCY APPELLATE PANEL
FOR THE EIGHTH CIRCUIT**

No: 18-6025

In re: Theresa Marshall

Debtor

Theresa Marshall

Debtor - Appellant

v.

Wells Fargo Bank N.A.; Deutsche Bank National Trust Company; Educational Credit Management Corporation

Creditors - Appellees

Mark T. McCarty

Trustee - Appellee

Appeal from U.S. Bankruptcy Court for the Eastern District of Arkansas - Little Rock
(4:18-bk-12478)

JUDGMENT

Appellant Theresa Marshall appeals the September 6, 2018 order of the bankruptcy court¹ denying the relief requested in the following pleadings: Emergency Motion for Recusal and the Emergency Addendum to Motion for Recusal; Emergency Objection to Hearings Set For August 30, 2018; Emergency Objections to Notice of Appearance and Request for Notice (docket nos. 96 and 97); Motion to Dismiss for Fraud on the Court; and Emergency Motion to Strike Order of July 16, 2018. For the reasons that follow, we dismiss the appeal.

¹ The Honorable Richard D. Taylor, United States Bankruptcy Judge for the Eastern District of Arkansas, Little Rock Division.

H

This Panel has jurisdiction to hear appeals “from final judgments, orders, and decrees.” 28 U.S.C. §158(a)(1) and (b)(1). An order is considered final if “(1) [it] leaves the bankruptcy court nothing to do but execute the order, (2) delay in obtaining review would prevent the aggrieved party from obtaining effective relief, and (3) a later reversal on that issue would require recommencement of the entire proceeding.” *Nebraska v. Strong*, 293 B.R. 764, 767 (B.A.P. 8th Cir. 2003)(citing *First Nat'l Bank v. Allen*, 118 F.3d 1289, 1293 (8th Cir. 1997)).

The orders on which Appellant’s appeal is based are not final on the specific grounds set forth below. In general terms, none of the orders disposed of a concrete dispute or conclusively determined a material issue in the bankruptcy case.

1. Order denying Emergency Motion for Recusal (and its Addendum) – An order denying a motion to recuse is not final. *Moix-McNutt v. Coop (In re Moix-McNutt)*, 215 B.R. 405, 407-08 (B.A.P. 8th Cir. 1997).
2. Order overruling Emergency Objection to Hearings Set for August 30, 2018 – In her Objection, Appellant requested that the hearing set for certain motions be rescheduled. This is analogous to a motion for continuance. “Typically, a bankruptcy court order on a motion for continuance or a request for discovery is regarded as an interlocutory order that can be merged with the final order for appeal purposes.” *In re Miles*, 2005 WL 1981040, at *4 (N.D. Tex. Aug. 17, 2005).
3. Orders overruling Objections to Notice of Appearance – Appellant asserted that neither Wells Fargo Bank nor Deutsche Bank authorized two attorneys from the law firm of Wilson & Associates to represent their interests in the bankruptcy case, and requested an order denying those attorneys permission to act on the banks’ behalf. An order entered in the midst of an ongoing bankruptcy proceeding is not appealable unless it finally resolves a discrete segment of the proceeding. *In re Kasden*, 141 F. 3d 1288, 1290 (8th Cir. 1998). Here, the orders overruling Appellant’s objection did not conclusively determine the banks’ claims in the bankruptcy case did not finally resolve

the merits of the controversy between the banks and the Appellant and therefore, are not final orders.

4. Order denying Motion to Dismiss for Fraud on the Court – Denial of a motion to dismiss, ordinarily, is the “antithesis” of a final order because, instead of terminating the case or any aspect of it, it allows the matter to proceed. *First Sec. Bank & Tr. Co. v. Vegt*, 511 B.R. 567, 576 (D.N.D. Iowa 2014).
5. Order denying Emergency Motion to Strike Order of July 16, 2018 – Appellant complained in this Emergency Motion that the attorney who prepared the July 16th order and a proof of claim filed a Notice of Appearance in the name of Wells Fargo Bank but was not authorized by the Bank to represent its interests. Appellant requested that both documents be stricken from the record. This is essentially the same relief requested in the Emergency Objection to Notice of Appearance and is denied on the same grounds (*i.e.*, that the order denying the relief did not conclusively determine a separable issue in the bankruptcy case).

Consequently, Appellant’s Notice of Appeal is dismissed.

September 27, 2018

Order Entered at the Direction of the Court:
Clerk, U.S. Bankruptcy Appellate Panel, Eighth Circuit.

/s/ Michael E. Gans

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION

IN RE: THERESA MARSHALL, DEBTOR

CASE NO.: 4:18-bk-12478
CHAPTER 13

ORDER

Presently pending before the court are the pleadings outlined below.

- *Emergency Motion For Recusal* Filed by Theresa Marshall at docket entry 130.
- *Emergency Addendum to Motion For Recusal* Filed by Theresa Marshall at docket entry 139.
- *Motion to Quash Subpoena* Filed by Samuel High on behalf of Wells Fargo Bank, N.A. at docket entry 135.
- *Motion to Quash Subpoena* Filed by Jacob Post Fair on behalf of Educational Credit Management Corporation at docket entry 137.
- *Emergency Objection to Hearings Set For August 30, 2018* Filed by Theresa Marshall at docket entry 122.
- *Emergency Objection to Notice of Appearance and Request for Notice* Filed by Theresa Marshall at docket entry 96.
- *Emergency Objection to Notice of Appearance and Request for Notice* Filed by Theresa Marshall at docket entry 97.
- *Response to Emergency Objection of Notice(s) of Appearance and Emergency Motion to Strike Order of July 16, 2018* Filed by Samuel High on behalf of Creditor Wells Fargo Bank, N.A. at docket entry 108.
- *Motion to Dismiss for Fraud on the Court* Filed by Theresa Marshall at docket entry 58.
- *Emergency Motion to Strike Order of July 16, 2018* Filed by Theresa Marshall at docket entry 95.
- *Motion to Withdraw Certification about a Financial Management Course* Filed by Theresa Marshall at docket entry 121.

The court set the above defined pleadings for hearing on August 30, 2018. Theresa Marshall appeared *pro se*; Ainsley Skokos appeared on behalf of Mark T. McCarty, the Chapter 13 Standing Trustee; Samuel High appeared on behalf of Wells Fargo Bank, N.A. and Deutsche Bank National Trust Company; and Kimberly Wood Tucker appeared on behalf of Educational Credit Management Corporation. At the hearing, the court cumulatively considered the

testimony and evidence presented as to all pending matters. Based upon the findings of fact and conclusions of law stated in court and incorporated by reference herein pursuant to Federal Rules of Bankruptcy Procedure 7052 and 9014, the relief requested in the following pleadings is denied:

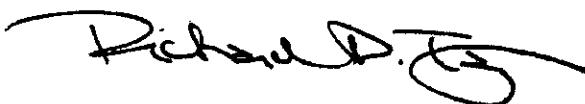
- *Emergency Motion For Recusal* Filed by Theresa Marshall at docket entry 130.
- *Emergency Addendum to Motion For Recusal* Filed by Theresa Marshall at docket entry 139.
- *Emergency Objection to Hearings Set For August 30, 2018* Filed by Theresa Marshall at docket entry 122.
- *Emergency Objection to Notice of Appearance and Request for Notice* Filed by Theresa Marshall at docket entry 96.
- *Emergency Objection to Notice of Appearance and Request for Notice* Filed by Theresa Marshall at docket entry 97.
- *Motion to Dismiss for Fraud on the Court* Filed by Theresa Marshall at docket entry 58.
- *Emergency Motion to Strike Order of July 16, 2018* Filed by Theresa Marshall at docket entry 95.

The relief requested in the following pleadings is granted:

- *Motion to Quash Subpoena* Filed by Samuel High on behalf of Wells Fargo Bank, N.A. at docket entry 135.
- *Motion to Quash Subpoena* Filed by Jacob Post Fair on behalf of Educational Credit Management Corporation at docket entry 137.
- *Motion to Withdraw Certification about a Financial Management Course* Filed by Theresa Marshall at docket entry 121.

IT IS SO ORDERED.

Dated this 6th day of September, 2018.



HONORABLE RICHARD D. TAYLOR
UNITED STATES BANKRUPTCY JUDGE

cc: Theresa Marshall
Kathryn Alley Lachowsky-Khan
Samuel High
Kimberly Wood Tucker
Mark T. McCarty
All interested parties and creditors

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION

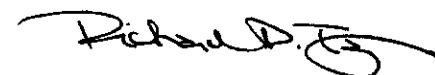
RE: THERESA MARSHALL

CASE NO: 4:18-bk-12478 T

ORDER

Comes now the Court on this 30th day of August, 2018, in the above styled case on the Trustee's Motion to Dismiss filed May 25, 2018 (Docket #27) and the Debtor's objection to Trustee's Motion to Dismiss filed June 4, 2018, (Docket #40). The Motion and Objection were set for hearing August 30, 2018 where the Debtor appeared pro se and Ainsley L. Skokos appeared for the Trustee. From the Court's records herein, and from statements and arguments of the parties, the Court finds that cause exists to grant the Motion. Further, the Court orders that the dismissal of the case is with prejudice. Therefore, the case should be, and is hereby dismissed, and the Debtor is barred from re-filing a new petition or reinstating the current case for a period of not less than 180 days from the date of dismissal.

IT IS SO ORDERED, at Little Rock, Arkansas.



U S BANKRUPTCY JUDGE
Date: September 4, 2018

C: Theresa Marshall
1408 Hendrix Avenue
Little Rock, AR 72204

Mark T. McCarty, Trustee

J

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION**

IN RE: THERESA MARSHALL, DEBTOR

**CASE NO.: 4:16-bk-15651
CHAPTER 13**

ORDER

On March 31, 2017, Theresa Marshall, the debtor (“debtor”), filed her *Objection to Proof of Claim Educational Credit Management Corporation – (ECMC)* (“ECMC Objection”) at docket entry 69. Educational Credit Management Corporation (“ECMC”) filed its *Response to Debtor’s Objection to Proof of Claim Filed by Educational Credit Management Corporation* (“ECMC Response”) on June 21, 2017, at docket entry 138. On May 15, 2017, the debtor filed her *Chapter 13 Debtor(s) Section E/F Objection to Proof of Claim – MOHELA* (“MOHELA Objection”) at docket entry 104. ECMC filed its *Response to Debtor’s Objection to Proof of Claim Filed by MOHELA* (“MOHELA Response”) on July 21, 2017, at docket entry 167. The court set the ECMC Objection, ECMC Response, MOHELA Objection, and MOHELA Response for hearing on July 25, 2017, at the United States Bankruptcy Courthouse in Little Rock, Arkansas.

Based upon the findings of fact and conclusions of law stated in court and incorporated herein pursuant to Federal Rules of Bankruptcy Procedure 7052 and 9014, the objections are sustained pursuant to Federal Rule of Civil Procedure 52(c) made applicable by Federal Rule of Bankruptcy Procedure 7052.

K

IT IS SO ORDERED.

Dated this 27th day of July, 2017.



HONORABLE RICHARD D. TAYLOR
UNITED STATES BANKRUPTCY JUDGE

cc: Theresa Marshall
Kimberly Wood Tucker
Jacob P. Fair
Mark T. McCarty

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION

IN RE: THERESA MARSHALL, DEBTOR

CASE NO.: 4:16-bk-15651
CHAPTER 13

AMENDED ORDER

On March 31, 2017, Theresa Marshall, the debtor (“debtor”), filed her *Objection to Proof of Claim Educational Credit Management Corporation – (ECMC)* (“ECMC Objection”) at docket entry 69. Educational Credit Management Corporation (“ECMC”) filed its *Response to Debtor’s Objection to Proof of Claim Filed by Educational Credit Management Corporation* (“ECMC Response”) on June 21, 2017, at docket entry 138. On May 15, 2017, the debtor filed her *Chapter 13 Debtor(s) Section E/F Objection to Proof of Claim – MOHELA* (“MOHELA Objection”) at docket entry 104. ECMC filed its *Response to Debtor’s Objection to Proof of Claim Filed by MOHELA* (“MOHELA Response”) on July 21, 2017, at docket entry 167. The court set the ECMC Objection, ECMC Response, MOHELA Objection, and MOHELA Response for hearing on July 25, 2017, at the United States Bankruptcy Courthouse in Little Rock, Arkansas.

Based upon the findings of fact and conclusions of law stated in court and incorporated herein pursuant to Federal Rules of Bankruptcy Procedure 7052 and 9014, the objections are overruled pursuant to Federal Rule of Civil Procedure 52(c) made applicable by Federal Rule of Bankruptcy Procedure 7052.



IN THE UNITED STATES BANKRUPTCY COURT
EASTERN AND WESTERN DISTRICTS OF ARKANSAS

IN RE: Theresa Marshall

CASE NO: 4:16-bk-15651 T
Chapter 13

CHAPTER 13 ORDER DISMISSING CASE
FOR VIOLATING STRICT COMPLIANCE ORDER

COMES NOW THE COURT and finds that an order was entered in the above styled case on 06/26/2017, Docket Entry [143], requiring the Debtor to make specific payments to the Trustee. The order further provided that the case was to be dismissed if the payments were not submitted as required. The court finds that the payments have not been submitted as required and, therefore, the case should be, and hereby is, dismissed for failure of the Debtor to comply with the court's order of 06/26/2017.

IT IS SO ORDERED.

Date: 12/06/2017

/s/ Richard D. Taylor

Richard D. Taylor
U.S. Bankruptcy Judge

cc: Mark T. McCarty, Trustee

Pro Se -- Debtor
Acting As Own Attorney
No Notice Sent
00000

Theresa Marshall
1408 Hendrix
Little Rock, AR 72204

All Creditors

M

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION**

IN RE: THERESA MARSHALL

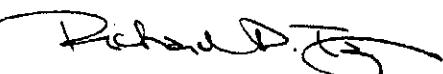
**4:05-bk-20492
Chapter 13**

ORDER TRANSFERRING CASE

Comes now the Court and hereby transfers the above captioned case to the Honorable James G. Mixon effective the date of entry of this order.

IT IS SO ORDERED.

DATE: August 14, 2006



**RICHARD D. TAYLOR
UNITED STATES BANKRUPTCY JUDGE**

cc: Judge James G. Mixon
Danyelle J. Walker
Theresa Marshall
Interested parties

eed on 08/14/2006
by Lisa Williams

N

Case Overview

Case No. 4:16-bk-15651 T

THERESA MARSHALL

Monday, March 18, 2019

8:24 am

User:

DEBTOR PAY SCHEDULE**EOP = End Of Plan**

DEBTOR NAME	PAYEE NAME	FREQUENCY	START DATE	PERIODS	AMOUNT
THERESA MARSHALL	ADVANCED TRANSMISSIONS	BI-WEEKLY	11/01/2016	10	\$421.38
THERESA MARSHALL	THERESA MARSHALL	MONTHLY	04/01/2017	1	\$913.00
THERESA MARSHALL	THERESA MARSHALL	MONTHLY	05/01/2017	EOP	\$392.39

RECEIPT HISTORY

RECEIPT DATE	RECEIPT SOURCE	RECEIPT DESCRIPTION	RECEIPT AMOUNT
Dec 23, 2016	18163	Cashier's Check	\$421.38
Apr 24, 2017	18867	Cashier's Check	\$721.12
May 23, 2017	19013	Cashier's Check	\$392.39
Jun 20, 2017	19160	Cashier's Check	\$392.39
Jul 31, 2017	19347	Cashier's Check	\$392.39
Aug 31, 2017	19508	Cashier's Check	\$392.39
Oct 02, 2017	19646	Cashier's Check	\$392.39
Oct 27, 2017	19800	Cashier's Check	\$392.39
Dec 18, 2017	2200	Personal Check	\$392.39
Jan 02, 2018	2201	Personal Check	\$392.39

TOTAL RECEIPTS \$4,281.62**DISBURSEMENT HISTORY**

DATE	DESCRIPTION	CREDITOR #	CHECK NO.	AMOUNT
THERESA MARSHALL	Claim Number 0			
Dec 12, 2017	Debtor Refund-Closing		2102922	\$784.78
Dec 12, 2017	Debtor Refund-Closing		2102923	\$1,239.41
TOTAL FOR CLAIM NUMBER: 0				\$2,024.19
WELLS FARGO BANK N A	Claim Number 2			
Jul 18, 2017	CONTINUING DEBT PAYMENT	WELLS FARGO BANK N A	2096201	\$1,027.17
Aug 21, 2017	PRINCIPAL PAYMENT/CONTINUU	WELLS FARGO BANK N A	2097531	\$342.39
TOTAL FOR CLAIM NUMBER: 2				\$1,369.56
THERESA MARSHALL	Claim Number 0			
May 02, 2018	Debtor Refund-FRA	THERESA MARSHALL	2109386	\$784.78
TOTAL FOR CLAIM NUMBER: 0				\$784.78

DISBURSEMENT TOTAL \$4,178.53