

No. 25A71

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IN THE  
SUPREME COURT OF THE UNITED STATES

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ROBERT EDWARD FIEDLER  
MURIEL GENENE FIEDLER

Applicants,

v.

US BANK TRUST N.A., not in its individual capacity but solely as owner  
trustee for RCF 2 Acquisition Trust

Respondent.

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ON EMERGENCY APPLICATION FOR STAY  
TO THE HONORABLE CLARENCE THOMAS  
ASSOCIATE JUSTICE AND CIRCUIT JUSTICE  
FOR THE ELEVENTH CIRCUIT COURT OF APPEALS

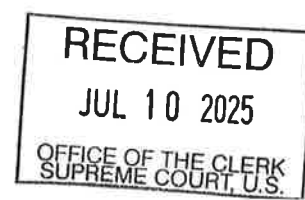
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EMERGENCY APPLICATION FOR STAY OF BANKRUPTCY COURT ORDER  
DURING PENDENCY OF APPEAL

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Applicants

July 7, 2025



## RULE 29.6 STATEMENT

Robert Fiedler and Muriel Fiedler certify that they are not a corporation owning 10% or more of stock.

## **PARTIES TO THE PROCEEDING AND RELATED PROCEEDINGS**

The parties to the proceeding below are as follows:

1. Applicants Robert Fiedler and Muriel Fiedler
2. Respondent US Bank Trust N.A., not in its individual capacity but solely as owner trustee for RCF 2 Acquisition Trust

The related proceedings below are:

1. Robert Fiedler et al. v. Susan Stacy et al, no. 0:2024-13558 (United States Court of Appeals, Eleventh Circuit)
2. In re Robert Fiedler, Muriel Fiedler, case no. 0:24-90032 (United States Court of Appeals, Eleventh Circuit)-Lacked jurisdiction, stay denied as moot
3. Robert Fiedler et al. v. Wells Fargo Bank N.A., No. 0:2025-10717 (United States Court of Appeals, Eleventh Circuit)
4. In re Fiedler, no. 6:23-bk-03321 (United States Bankruptcy Court, Middle District of Florida, Orlando Division) – Judgment entered November 26, 2024
5. Fiedler et al v. US Bank Trust N.A, no. 25-cv-00112 (United States District Court, Middle District of Florida, Orlando Division) – Order denying stay entered on July 1, 2025
6. Fiedler et al v. Wells Fargo Bank N.A., no. 6:2025-cv-00332 (United States District Court, Middle District of Florida)

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TO THE HONORABLE CLARENCE THOMAS,  
ASSOCIATE JUSTICE OF THE SUPREME COURT AND  
CIRCUIT JUSTICE FOR THE ELEVENTH CIRCUIT

Applicants Robert Fiedler and Muriel Fiedler respectfully ask this Court to immediately stay the bankruptcy court's order granting US Bank Trust N.A. relief of stay and dismissing their case, entered on November 26, 2024, for case no. 6:24-bk-03321 (Middle District of Florida, Orlando Division). Applicants procedurally committed an error by directly appealing the bankruptcy court's order and asking for a stay from the Eleventh Circuit (*In re Robert Fiedler, Muriel Fiedler*, case no. 24-90032). The Eleventh Circuit denied the applicants' direct appeal and stay on March 27, 2025, because it lacked jurisdiction.

Respondent US Bank Trust N.A. assured Applicants that it would not seek immediate possession. However, it later changed its mind and filed a motion in the foreclosure court for a writ of possession. When Applicants requested the Middle District of Florida to stay the bankruptcy court's order, their motion was denied on July 1, 2025. Subsequently, on July 3, 2025, Applicants petitioned the Eleventh Circuit for an extraordinary writ seeking stay relief. Applicants are now uncertain whether the Eleventh Circuit will review their petition in time to prevent US Bank Trust N.A. from executing its writ of possession. To avoid having their appeal become moot, Applicants are requesting an interim stay with bond to allow the Middle District to review their appeal and the Eleventh Circuit time to review their Petition.

## INTRODUCTION

Debt doesn't discriminate. When debtors find themselves unable to manage their financial obligations, they can seek assistance with their debt by filing for bankruptcy. The Bankruptcy Code, along with the associated Bankruptcy Rules and forms, allows debtors to adjust their debts and repay their creditors. Importantly, the bankruptcy forms are neutral and do not consider socioeconomic factors such as race, ethnicity, or age. When filing for bankruptcy, debtors must provide detailed financial information, including their assets, debts, income, and expenses. A trustee is assigned to oversee the debtor's assets, ensuring that the interests of the creditors are protected.

The trustee is responsible for gathering and distributing assets, as well as investigating the debtor's finances to ensure compliance with the Bankruptcy Code. To assist the trustee in distributing assets, the debtor lists their property on Schedule A/B.

Property claimed by the debtor as exempt from distribution is listed on Schedule C. By designating property as exempt, it is shielded from seizure and sale by the trustee for the benefit of creditors. Creditors disagreeing with a debtor's exemptions must file an objection within 30 days of the trustee's 341 meeting or request an extension from the bankruptcy court. If no objection is filed within this timeframe, the exempt property is removed from the estate for the debtor's benefit. The 30-day rule to file an objection is recognized by all courts in the federal system.

This rule is applied uniformly; if a creditor fails to object promptly to an exemption, the court interprets this inaction as an agreement with the exemption, thereby returning the exempt property to the debtor. However, disparities can arise within bankruptcy courts, where debtors and their estates may not receive equal treatment due to factors such as race, age, or disability.

Robert Fiedler, an elderly white male, and Muriel Fiedler, an African American female, jointly filed for bankruptcy, listing their home as exempt. US Bank Trust N.A. did not object to this homestead exemption within 30 days of the creditors' meeting, nor did it challenge the validity of the exemption itself. However, the respondent claimed that Robert and Muriel Fiedler filed for bankruptcy in bad faith, prompting the bankruptcy court to reintroduce the exempt property into the estate.

This action was misguided, as the court dismissed the Applicants' petition for bad faith, because Robert and Muriel raised foreclosure issues in response to US Bank Trust N.A.'s proof of claim. Applicants are entitled to a stay pending appeal as they are likely to succeed, will face irreparable harm without it, and the balance of harms favors granting a stay. Denying the stay would render the appeal in the Middle District of Florida moot, preventing the Eleventh Circuit from reviewing the bankruptcy court's determinations and this Court's review if the Eleventh Circuit affirms the dismissal.

If the Court denies the stay, US Bank Trust N.A. will execute its writ of possession, removing the Applicants from their home. Even if they regain their home through Florida's homestead provision, the harm would be irreversible, as nothing



monetary could restore their constitutional right to claim homestead exemption in bankruptcy and remain in their home.

## REASONS FOR GRANTING THE APPLICATION

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### **I. The Bankruptcy Court Brought Exempt Property Back Into the Estate**

The bankruptcy court exceeded its authority when it brought exempt property back into the estate to grant US Bank Trust N.A. relief from stay. Bankruptcy courts have the authority to carry out the provisions of the bankruptcy code. But, they cannot override or create exceptions to statutory exemptions if the debtor is entitled to them under state law. (*Law v. Seigel*, 571 US 415, 2014).

Exemptions are determined at the time the debtor files for bankruptcy. If neither the creditor nor the trustee objects within 30 days of the creditors' meeting, or asks for an extension of time to object, the exemption becomes final, even if the exemption was not done in "good faith." *Taylor v. Freeland & Kronz et al.*, 503 U.S. 638 (1992).

In this case, Applicants listed their home as exempt under Florida's constitutional provision for exempt homesteads. Art. X. § 4, Fla. Const., US Bank Trust N.A. did not object or challenge the Applicants' homestead exemption within 30 days of the 341 Creditors meeting, nor did US Bank Trust N.A. move the bankruptcy court for an extension to object per Bankruptcy Rule 4003(b)(1).

Because US Bank Trust N.A. did not object or move the bankruptcy court for an extension of time to object, the Applicants' exempt homestead was deemed final

on the 31st day. Once the Applicants' exempt homestead was considered final, their property was made available for their use. *In re Gamble*, 168 F. 3d 442 (11th Cir. 1999)

The bankruptcy court's action bringing exempt property back into the estate was an act of "preservation" discussed in *Gamble*. In *Gamble*, the Eleventh Circuit disagreed with the bankruptcy court's holding that the trustee should safeguard the exempted property "in the event of a dismissal." The Eleventh Circuit ruled that holding exempt property in the event of dismissal "disregards [the] time for objecting, and in effect, extends the period to object." *Id.*

Because the bankruptcy court brought Petitioner's exempt property back into the estate after the deadline to object, it erred in granting US Bank Trust N.A.'s motion to dismiss. The bankruptcy court's dismissal allowed US Bank Trust N.A. to reclaim the Petitioner's exempt property for public auction.

## **II. Applicants Are Likely to Succeed on the Merits**

### **A. US Bank Trust N.A. Did Not File A Timely Objection**

Lower courts, in the federal system, generally agree that if a creditor does not timely object to a debtor's homestead exemption, they cannot later oppose or challenge the exemption.

In the case of *In re Bradlow*, 119 BR 330 (Bankr. S.D. Fla. 1990), a creditor recorded a judgment lien against the debtor's real property. When the debtor filed for bankruptcy, they scheduled the property as exempt under Florida's constitutional homestead provision, Art. X, § 4, Fla. Const. After the debtor filed all their schedules,

a 341 meeting of creditors was held by the trustee. The creditor did not file an objection within 30 days following this meeting. *Id.* Once the creditor did not object to the exemption, the debtor moved the bankruptcy court to avoid the creditor's judicial lien.

The creditor opposed the motion, arguing that the court lacked jurisdiction and that the judicial liens did not impair the homestead exemption. The court considered arguments from both the debtor and the creditor, ultimately ruling in favor of the debtor based on Bankruptcy Rule 4003. This rule requires that a party in interest must file an objection to an exemption within 30 days of the creditor's meeting; if no objection is filed, the exemption cannot be challenged further. Consequently, the bankruptcy court voided the judicial lien because it impaired the debtor's homestead.

Similarly, in the case of *Bradlow*, Applicants listed their real property as exempt under Florida's constitutional homestead provision (Art. X, § 4, Fla. Const.). Also, like the creditor in *Bradlow*, U.S. Bank Trust N.A. did not file an objection to the Applicants' exemption within the 30-day window following the creditors' meeting.

Unlike the creditor in *Bradlow*, who lately claimed that the debtor was ineligible for the homestead exemption, US Bank Trust N.A.'s motion to dismiss did not challenge the Applicant's entitlement to homestead protection. Similar to the debtor in *Bradlow*, who sought to avoid the creditor's judgment lien, Applicants also moved the bankruptcy court to avoid US Bank Trust N.A.'s lien. However, unlike the bankruptcy court in *Bradlow*, which ruled on the lien avoidance motion, the court did not rule on Applicants' motion before dismissing their case.

And although US Bank Trust N.A. moved the bankruptcy court to dismiss Applicants' Chapter 13 within the deadline to object to exemptions, US Bank Trust N.A.'s motion to dismiss did not object or put forth arguments that Petitioners were not entitled to claim their home as exempt or that they made amendments to their list of exemptions to extend the deadline. *Taylor*. US Bank Trust N.A. failed to file an objection to the Petitioner's exempt homestead in a timely manner. Therefore, this Court should grant Applicants stay pending the outcome of their appeal.

B. US Bank Trust N.A. Did Not Argue Fraud or Concealment

In *Taylor v. Freeland & Kronz et al.*, this Court identified two situations that toll the federal statute of limitations: undiscovered fraud and concealment. Both circumstances extend the period during which objections to exemptions in bankruptcy may be filed. In this case, US Bank Trust N.A. did not argue that the Fiedlers committed fraud or concealed property that was later discovered.

Instead, US Bank Trust N.A. contended that the Fiedlers filed for bankruptcy to hinder and delay the enforcement of their judgment lien. Notably, the bankruptcy court's order does not indicate that the Fiedlers engaged in fraud or concealed assets from US Bank Trust N.A. or any creditors involved in the bankruptcy.

Because US Bank Trust N.A. did not argue that the Fiedlers committed fraud or concealed assets, and the bankruptcy court found no evidence of such actions, the time to file an objection to the Fiedlers' homestead exemption was not tolled. Therefore, this Court should grant Applicants a stay.

Applicants are likely to succeed, as no creditor, except US Bank Trust N.A., has moved to dismiss their Chapter 13 case for bad faith.

### **III. US Bank Trust N.A.'s Writ of Possession Violates Petitioners' Constitutional Right to Claim Florida's Homestead Exemption in Bankruptcy**

#### **A. The Fiedlers Have Homestead Protection.**

Florida's Constitution protects homesteads from forced sale and levy. Art. X, § 4, Fla. Const.

Florida's constitutional protection reads:

#### **Section 4. Homestead; exemptions.—**

(a) There shall be exempt from forced sale under process of any court, and no judgment, decree or execution shall be a lien thereon, except for the payment of taxes and assessments thereon, obligations contracted for the purchase, improvement or repair thereof, or obligations contracted for house, field or other labor performed on the realty, the following property owned by a natural person:

(1) a homestead, if located outside a municipality, to the extent of one hundred sixty acres of contiguous land and improvements thereon, which shall not be reduced without the owner's consent by reason of subsequent inclusion in a municipality; or if located within a municipality, to the extent of one-half acre of contiguous land, upon which the exemption shall be limited to the residence of the owner or the owner's family;

Applicants' home is protected under Florida's constitutional provision that shields homesteads from forced sale. Their bankruptcy Schedule C lists their real property along with this provision (Art. X, § 4, Fla. Const.). They also filed an affidavit in bankruptcy court confirming this protection, noting that Robert Fiedler purchased the home with Crossland Bank in 1993. This

purchase represents an obligation to acquire the home. Attached to their motion to avoid US Bank Trust N.A.'s lien is Fiedler's mortgage with Crossland Bank.

In contrast, US Bank Trust N.A.'s 2007 promissory note and mortgage from World Savings Bank FSB do not represent an obligation contracted to purchase or improve the Fiedlers' home. US Bank Trust N.A.'s note and mortgage are not exceptions to Florida's homestead exemption. Instead of acknowledging this distinction and allowing the Fiedlers to retain their exemption, US Bank Trust N.A. argued bad faith in the bankruptcy court, intending solely to sell their home.

US Bank Trust N.A. did not timely contest the Fiedlers' homestead exemption or claim they were ineligible for it in their motion to dismiss for bad faith. Therefore, the Court should grant Applicants a stay.

B. US Bank Trust N.A.'s Lien Is Avoidable Under 11 U.S.C. § 522(f)

Recording judicial liens on property allows enforcement of the right to sell the property to satisfy the lien. However, if a property is exempt from forced sale under state or federal law, the lien can be removed. In Florida, homesteads are exempt from forced sale, enabling a judicial lien on an exempt home to be stripped. A judicial lien on an exempt homestead can also be avoided in bankruptcy. *In re Owen*, 961 F. 2d 170 (11th Cir. 1992). However, a lien recorded before the homestead exemption cannot be avoided.

In this case, Robert Fiedler claimed homestead protection in 1993, while Muriel Fiedler claimed it in 2008. US Bank Trust N.A. recorded its judgment lien against the Fiedlers' homestead in 2024. Since the Fiedlers' homestead exemptions occurred before US Bank Trust N.A.'s lien, they may avoid the lien in bankruptcy. However, because the bankruptcy court did not rule on their motion to avoid the lien before dismissing their case, US Bank Trust N.A. was allowed to enforce its judicial lien.

Since US Bank Trust N.A. did not timely object to the Fiedlers' claim for exemption, and they qualify for the exemption under state and federal law, this Court should grant Applicants a stay.

#### **IV. The Fiedlers Will Suffer Irreparable Harm If Forced to Leave Their Home.**

After the bankruptcy court dismissed their case, US Bank Trust N.A. returned to the foreclosure court and sold Applicant's home. Now, US Bank Trust N.A. is seeking a writ of possession to remove the Fiedlers immediately. US Bank Trust N.A.'s writ of possession violates the Fiedlers' constitutional right to protect their homestead from taking and their right to be secure in their home. Because the writ of possession seeks immediate removal, Petitioners will suffer irreparable harm unless the court grants a stay of the bankruptcy court's order.

#### **V. This Court's Stay Will Serve the Public's Interest**

The public is keenly interested in ensuring that bankruptcy proceedings are conducted efficiently and fairly. A timely resolution fosters trust in the debt readjustment process and the administration of the estate, benefiting both debtors

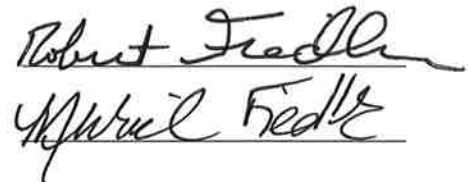
and creditors. To achieve this, public policy seeks to balance creditors' rights to repayment with debtors' rights to retain essential property and pursue a fresh start. Debtor exemptions in bankruptcy are critical for maintaining this balance.

Granting Applicants a stay serves the public interest by protecting debtors' exemptions when applicable. By staying the bankruptcy orders that provided US Bank Trust N.A. relief from stay, this Court will safeguard Applicants from being forcibly removed from their homes, thereby preventing their appeal from becoming moot in the Middle District.

### CONCLUSION

US Bank Trust N.A. failed to timely object to Applicants' homestead exemption, making it likely that they will succeed on the merits. Additionally, since US Bank Trust N.A. sought a writ of possession in foreclosure court, this Court should grant a stay to prevent the appeal from becoming moot and to avoid displacing Applicants.

Respectfully submitted,

The block contains two handwritten signatures in black ink. The top signature is "Robert Fiedler" and the bottom signature is "Muriel Fiedler". Both are written in a cursive, flowing style.

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No.

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IN THE SUPREME COURT OF THE UNITED STATES

ROBERT FIEDLER  
MURIEL FIEDLER

Applicants,

v.

US BANK TRUST N.A. not in its individual capacity  
but solely as owner trustee for RCF 2 Acquisition Trust

Respondent.

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ON EMERGENCY APPLICATION FOR STAY OF BANKRUPTCY COURT  
ORDER DURING PENDENCY OF APPEAL

---

APPENDIX TO THE  
APPLICATION FOR STAY

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ORDERED.

Dated: November 26, 2024

  
\_\_\_\_\_  
Lori V. Vaughan  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION  
[www.flmb.uscourts.gov](http://www.flmb.uscourts.gov)

In re	)	
	)	
Robert Edward Fiedler and	)	Case No. 6:24-bk-03321-LVV
Muriel Genene Fiedler,	)	Chapter 13
	)	
Debtors.	)	

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**ORDER DENYING CONFIRMATION OF PLAN AND  
DISMISSING CASE WITH TWO-YEAR INJUNCTION**

THIS CASE came on for hearing on November 19, 2024 to consider confirmation of the Debtors' Second Amended Chapter 13 Plan ("Plan") (Doc. No. 101), Objection to Confirmation of the Plan (Doc. No. 112) and Motion to Dismiss Bankruptcy or in the Alternative, for Relief from the Automatic Stay (the "Motion to Dismiss") (Doc. No. 25) filed by U.S. Bank Trust N.A. ("U.S. Bank").<sup>1</sup> For the reasons stated in this order and open court, confirmation of the Plan is denied and this case is dismissed with a two-year injunction imposed against the Debtors from filing another bankruptcy case.

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<sup>1</sup> Creditor's full name is U.S. Bank Trust N.A., not in its individual capacity but solely as owner trustee for RCF 2 Acquisition Trust.

The relevant facts are undisputed. Debtors filed a petition for relief under chapter 13 of the Bankruptcy Code on July 1, 2024. This is Mr. Fiedler's second chapter 13 case within two years, and the Court is familiar with the ongoing contentious litigation between the Debtors and U.S. Bank with respect to the foreclosure of Debtors' home.<sup>2</sup> Prior to their filing, U.S. Bank received a Summary Final Judgment against Debtors in a foreclosure action on May 28, 2024 for \$551,068.62 (the "Foreclosure Judgment") with a foreclosure sale scheduled for July 23, 2024.<sup>3</sup>

From the beginning of the bankruptcy case, Debtors began challenging the Foreclosure Judgment. For example, Debtors filed an Objection to Claim 1 of U.S. Bank on July 17, 2024, seeking to avoid U.S. Bank's mortgage. On July 10, 2024, U.S. Bank filed the Motion to Dismiss, alleging that Debtors filed this case in bad faith. The Court held a hearing on the Motion to Dismiss on August 13, 2024 and took the matter under advisement. On September 6, 2024 the Court entered an Order Deferring Consideration of Creditor's Motion to Dismiss, or in the Alternative Relief from the Stay (the "Deferral Order") (Doc. No. 82). As explained in the Deferral Order, the Court deferred consideration of the Motion to Dismiss to confirmation because Debtors had filed an Amended Plan (Doc. No. 68) that increased plan payments and provided adequate protection payments to U.S. Bank. The Court made clear to Debtors, however, that this was their last chance to show to the Court that the case was filed in good faith and that the Court would not entertain

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<sup>2</sup> Mr. Fiedler has filed a total of eight bankruptcy cases, including this case. A factual background of the parties' litigation may be obtained from the Order Granting In Part Motion for Relief From Stay entered in *In re Fiedler*, No. 6:22-bk-03767-LVV, Doc. No 137 (Bankr. M.D. Fla. filed Oct. 19, 2022) and to the extent necessary is incorporated herein. Mr. Fiedler filed the following bankruptcy cases: *In re Fiedler*, No. 6:09-bk-11463-ABB (Bankr. M.D. Fla. filed Aug. 6 2009); *In re Fiedler*, No. 6:10-bk-08959-ABB (Bankr. M.D. Fla. filed May 24, 2010); *In re Fiedler*, No. 12-37253-hdh13 (Bankr. N.D. Tx. filed Nov. 13, 2012); *In re Fiedler*, No. 13-35416-hdh13 (Bankr. N.D. Tx. filed Oct. 24, 2013); *In re Fiedler*, Case No. 6:15-bk-01640-ABB (Bankr. M.D. Fla. Feb. 26, 2015); *In re Fiedler*, Case No. 6:17-bk-03402-LVV (Bankr. M.D. Fla. filed May 24, 2017); *In re Fiedler*, No. 6:22-bk-03767-LVV (Bankr. M.D. Fla. filed Oct. 19, 2022).

<sup>3</sup> Doc. No. 25 at 10 and Ex. N.

any further efforts to challenge the validity of the Foreclosure Judgment based on the *Rooker-Feldman* doctrine.<sup>4</sup>

Since the Court entered the Deferral Order, Debtors ignored the Court's warning and charged ahead, continuing to challenge the Foreclosure Judgment. Debtors filed a Motion to Avoid Lien of U.S. Bank on Exempt Property and initiated an adversary proceeding against U.S. Bank, seeking to avoid U.S. Bank's lien. Debtors additionally filed an Amended Objection to U.S. Bank's claim. Moreover, at the confirmation hearing on November 19, 2024, Mrs. Fiedler continued to make arguments that challenged the validity of the Foreclosure Judgment.<sup>5</sup>

Section 1325(a) lists the confirmation requirements of a chapter 13 plan. Section 1325(a)(3) provides, "the plan has been proposed in good faith and not by any means forbidden by law." Additionally, § 1307(c) provides that the court may dismiss a case for cause. Although not expressly stated, bad faith constitutes cause for dismissal. *In re Mangieri*, Case No. 2:20-bk-07403-FMD, 2021 WL 1747422, \*6 (Bankr. M.D. Fla. May 3, 2021). Courts examine the totality of circumstances to determine whether Debtors exhibited good faith in proposing their chapter 13 plan and filing the petition. *See In re Kitchens*, 702 F.2d 885, 888 (11th Cir. 1983). The basic inquiry is whether there has been an abuse of the Bankruptcy Code. *Id.* With respect to whether the plan has been proposed in good faith, "[t]he guiding principle is whether the debtor's proposed Chapter 13 plan demonstrates a sincere intent to repay his creditors to the best of his

<sup>4</sup> *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983). Debtors' objections to U.S. Bank's claim are barred under *Rooker-Feldman*. The Foreclosure Judgment adjudged U.S. Bank to have a lien on Debtors' home which is superior to all other claims. In entering the Foreclosure Judgment, the Florida state court determined that the note and mortgage were valid, Debtors owed the amounts cited in the Foreclosure Judgment, and that entry of the Foreclosure Judgment was proper.

<sup>5</sup> Mr. Fiedler was not present at the hearing. On November 12, 2024, Debtors filed a Motion to Reschedule Confirmation Hearing (the "Motion to Reschedule") (Doc. No. 115). The Motion to Reschedule was unsigned and thus under Federal Rule of Bankruptcy Procedure 9011(a) must be stricken. In any event, the Court did not find sufficient cause to reschedule the hearing. When deciding to reschedule a hearing, the Court must frequently make determinations about whether there is a sincere reason for needing a delay or whether the request is part of a tactic to delay the proceedings to further benefit from the automatic stay. The Court finds consistent with the reasons articulated in this order that the Motion to Reschedule was part of a bad faith effort to delay the proceedings.

ability as opposed to instead demonstrating an attempt to defer or avoid the claims of legitimate creditors.” *Florida, Dept. of Revenue v. Talley*, No. 3:07-cv-510-J16, 2008 WL 1711410, \*4 (M.D. Fla. Apr. 10, 2008).

Having reviewed the record and considering Debtors’ actions (or inactions) during this case, prior chapter 13 cases, and the multiple bankruptcy filings, the Court finds that cause exists for dismissal with a two-year injunction against Debtors filing another bankruptcy case under 11 U.S.C. § 105(a) and § 1307(c). The Court gave Debtors one last chance to show the Court that they filed this case in good faith. Instead, Debtors have demonstrated to the Court that they are intent on abusing the bankruptcy system. Despite the warning to Debtors by the Court that it would not entertain arguments barred by the *Rooker-Feldman* doctrine, Debtors continued to file pleadings that challenge the validity of the Foreclosure Judgment. It is clear to the Court that the purpose of Debtors’ bankruptcy is a bad faith attempt to further delay U.S. Bank’s enforcement of the Foreclose Judgment. Accordingly, it is

**ORDERED:**

1. The Motion to Dismiss (Doc. No. 25) is **GRANTED**.
2. This case is **DISMISSED**.
3. Pursuant to the provisions of 11 U.S.C. §105(a) and §1307(c), the Debtors are enjoined from filing for relief under any provision of Title 11 of the United States Code for a period of *two years* from **November 19, 2024**.
4. The Motion to Reschedule (Doc. No. 115) is **STRICKEN** and otherwise **DENIED**.
5. The Automatic Stay imposed by 11 U.S.C. §362 is lifted and the filing of this case no longer acts as a stay against collections and other actions against the Debtors and the Debtors’ property.

6. Notwithstanding any other Court orders, the Trustee shall return to Debtors any remaining funds on hand not previously disbursed and shall thereafter file the Trustee's final report. Upon the filing of the final report, the Trustee will be discharged of all duties as Trustee.

###

The Clerk is directed to serve a copy of this order on all interested parties.



[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 24-90032

Non-Argument Calendar

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In re:

ROBERT EDWARD FIEDLER,  
MURIEL FIEDLER,

Petitioners,

*versus*

US BANK TRUST N.A.,  
not in its individual capacity  
but solely as owner trustee for RCF 2 Acquisition Trust,

Respondent.

---

Petition for Permission to Appeal from the  
United States Bankruptcy Court for the  
Middle District of Florida  
D.C. Docket No. 6:24-bk-03321-LVV

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Before JORDAN, JILL PRYOR, and KIDD, Circuit Judges.

PER CURIAM:

Robert and Muriel Fiedler (“the Fiedlers”) petition under 28 U.S.C. § 158(d)(2) for a direct appeal of the bankruptcy court’s November 26, 2024, order dismissing their Chapter 13 bankruptcy petition. U.S. Bank Trust, N.A. (“U.S. Bank”) moves to dismiss because, among other reasons, we lack jurisdiction to review a direct appeal from the bankruptcy court proceedings. The Fiedlers respond that we have jurisdiction over their petition.

We lack jurisdiction to hear the Fiedlers’ requested direct appeal of the November 26 order because neither the bankruptcy court, the district court, a bankruptcy appellate panel, nor all appellants and appellees acting jointly certified the order for an immediate appeal to us. *See* 28 U.S.C. § 158(d)(2).

Accordingly, we GRANT U.S. Bank’s motion to dismiss and DISMISS the Fiedlers’ § 158(d)(2) petition. U.S. Bank’s motion to impose sanctions is DENIED. All other pending motions are DENIED AS MOOT.

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

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

David J. Smith  
Clerk of Court

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March 27, 2025

**MEMORANDUM TO COUNSEL OR PARTIES**

Appeal Number: 24-90032-H  
Case Style: Robert Fiedler, et al v. US Bank Trust  
District Court Docket No: 6:24-bk-03321-LVV

Opinion Issued

Enclosed is a copy of the Court's decision issued today in this case. Judgment has been entered today pursuant to FRAP 36. The Court's mandate will issue at a later date pursuant to FRAP 41(b).

Petitions for Rehearing

The time for filing a petition for panel rehearing or rehearing en banc is governed by 11th Cir. R. 40-2. Please see FRAP 40 and the accompanying circuit rules for information concerning petitions for rehearing. Among other things, **a petition for rehearing must include a Certificate of Interested Persons.** See 11th Cir. R. 40-3.

Costs

Costs are taxed against Appellant(s) / Petitioner(s).

Bill of Costs

If costs are taxed, please use the most recent version of the Bill of Costs form available on the Court's website at [www.ca11.uscourts.gov](http://www.ca11.uscourts.gov). For more information regarding costs, see FRAP 39 and 11th Cir. R. 39-1.

Attorney's Fees

The time to file and required documentation for an application for attorney's fees and any objection to the application are governed by 11th Cir. R. 39-2 and 39-3.

Appointed Counsel

Counsel appointed under the Criminal Justice Act (CJA) must submit a voucher claiming compensation via the eVoucher system no later than 45 days after issuance of the mandate or the filing of a petition for writ of certiorari. Please contact the CJA Team at (404) 335-6167 or [cja\\_evoucher@ca11.uscourts.gov](mailto:cja_evoucher@ca11.uscourts.gov) for questions regarding CJA vouchers or the eVoucher system.

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

OPIN-1 Ntc of Issuance of Opinion

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

In Re: Robert Edward Fiedler  
Muriel Genene Fiedler

ROBERT EDWARD FIEDLER and  
MURIEL GENENE FIEDLER,

Appellants,

v.

Case No.: 6:25-cv-112-WWB

US BANK TRUST N.A.,

Appellee.

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**ORDER ON APPEAL**

THIS CAUSE is before the Court on Appellants' Emergency Renewed Motion for a Stay Pending Appeal (Doc. 26) and Appellee's Response in Opposition (Doc. 27).

On July 1, 2024, Appellants filed a petition in the United States Bankruptcy Court, Middle District of Florida, Orlando Division, seeking relief under Chapter 13 of Title 11 of the United States Code. (Doc. 7-7). On November 26, 2024, the Bankruptcy Court issued its Order Denying Confirmation of Plan and Dismissing Case with Two-Year Injunction, ("**Dismissal Order**," Doc. 7-2), concluding therein that Appellants had abused the bankruptcy system to improperly challenge a foreclosure judgment. (*Id.* at 2–4). The Bankruptcy Court accordingly dismissed Appellants' case. (*Id.* at 4–5).

Appellants brought the instant appeal and now seek a stay of the Dismissal Order. Pursuant to Federal Rule of Bankruptcy Procedure 8007(a)(1)(A), a party must ordinarily move first in the bankruptcy court for a stay of that court's "judgment, order, or decree pending appeal." Fed. R. Bankr. P. 8007(a)(1)(A). However, a party may instead move

for such relief in the court where the appeal is pending, provided that the motion “show[s] that moving first in the bankruptcy court would be impracticable” or, “if a motion has already been made in the bankruptcy court, state[s] whether the court has ruled on it, and if so, state[s] any reasons given for the ruling.” Fed. R. Bankr. P. 8007(b)(1)–(2). Further, a motion to stay must include (1) “the reasons for granting the relief requested and the facts relied on”; (2) “affidavits or other sworn statements supporting facts subject to dispute”; and (3) “relevant parts of the record.” Fed. R. Bankr. P. 8007(b)(3).

The Court previously denied Appellants’ Amended Emergency and or Time-Sensitive Motion Seeking Stay (Doc. Nos. 16, 21) as procedurally deficient because Appellants had failed to comply with Rule 8007(b)(1)–(2) and to “cite to any relevant portions of the bankruptcy record or to cite the appropriate legal standard for granting a stay” in violation of Rule 8007(b)(3). (Doc. 21 at 2).


As an initial matter, the Motion fails to comply with Local Rule 3.01(g), which requires a moving party to include a certification that it conferred “with the opposing party in a good faith effort to resolve the motion.” The Motion could be denied on this basis alone, but upon further review Appellants have also failed to correct the deficiencies previously noted by the Court. Although Appellants do now cite the applicable legal standard for granting a stay (Doc. 26 at 3), they do not include “affidavits or other sworn statements supporting facts subject to dispute” or citation to “relevant parts of the record” as required under Rule 8007(b)(3). Further, Appellants’ attempt to comply with Rule 8007(b)(2)(A) is insufficient. Appellants state only that filing a motion to stay with the Bankruptcy Court would be impractical because “they directly appealed and requested a stay from the Eleventh Circuit.” (Doc. 26 at 2). This statement, however, fails to explain

*why* Appellants took this course of action, and thus falls well short of showing that moving in the bankruptcy proceeding below was impractical.

Even if the Court could look beyond these issues, the Motion would still fail. The Dismissal Order lifted the automatic stay imposed by 11 U.S.C. § 362, allowing Appellee to proceed with a foreclosure sale of Appellants' real property. (Doc. 7-2 at 3–4). To stay the Dismissal Order, then, would effectively be to enjoin the state foreclosure proceedings. And pursuant to 28 U.S.C. § 2283, a “court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdictions, or to protect or effectuate its judgments.”

Appellants have not pointed to any statutory authorization for the requested relief. Nor have they argued a stay is necessary to protect the Court's jurisdiction or to effectuate the Court's judgments. The Court concludes that 28 U.S.C. § 2283 precludes it from issuing the stay Appellants seek. Accordingly, it is **ORDERED** and **ADJUDGED** that Appellants' Emergency Renewed Motion for a Stay Pending Appeal (Doc. 26) is **DENIED**.

**DONE AND ORDERED** in Orlando, Florida on July 1, 2025.

  
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WENDY W. BERGER  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Parties



SUPREME COURT OF THE UNITED STATES

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2. by sending one copy of same, addressed to each individual respectively, and enclosed in a properly addressed envelope, through the United States Postal Service, by certified first-class mail. An electronic version was also sent by email to each individual with an email address.

3. That on the same date as above, I sent to this Court three copies and 1 unbound copy of the within Application for Stay of an order issued by the United States Bankruptcy Court, for the Middle District of Florida, Orlando Division, through the United States Postal Service by Express Mail.

4. All parties required to be served have been served.

I declare under penalty of perjury that the foregoing is true and correct.

**STATE OF FLORIDA  
COUNTY OF SEMINOLE**

Sworn to or affirmed, and subscribed

before me on this 7<sup>th</sup> day of JULY, 2025

By: MURIEL FIEDLER & ROBERT FIEDLER

[Signature]  
Notary Signature



Executed on this 7th day of July 2025

[Signature]

Robert Fiedler

[Signature]

Muriel Fiedler

Sworn to and subscribed before me this 7th day of July 2025