

The document below is hereby signed.

Dated: September 11, 2012.



S. Martin Teel, Jr.

**S. Martin Teel, Jr.
U.S. Bankruptcy Judge**

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)	
)	
EARL RUDOLPH BEDNEY,)	Case No. 12-00302
)	(Chapter 7)
Debtor.)	Not for publication in
)	West's Bankruptcy Reporter.

MEMORANDUM DECISION AND ORDER DISMISSING EMERGENCY MOTION TO DISMISS FORECLOSURE PROCEEDING AND MOTION SEEKING LEAVE TO PLEAD

The debtor has filed motions seeking to challenge a creditor's foreclosure efforts against his home. The motions will be dismissed for lack of subject matter jurisdiction as the motions do not "arise under" the Bankruptcy Code, do not "arise in" the bankruptcy case, and are not "related to" the bankruptcy case within the meaning of 28 U.S.C. § 1334(b), the statute conferring limited subject matter jurisdiction over proceedings in this court.

As this court explained in granting relief from the automatic stay, the debtor has not pointed to any right he has under the Bankruptcy Code that would authorize alteration of the creditor's foreclosure rights. Instead, the debtor challenges the foreclosure under nonbankruptcy law. The debtor's motions do

not "arise under" the Bankruptcy Code within the meaning of § 1334(b).

Nor do the motions "arise in" the bankruptcy case within the meaning of § 1334(b). The challenges already have an existence outside of the bankruptcy case.

Nor are the motions "related to" the bankruptcy case within the meaning of § 1334(b). The debtor claimed 100% of the "FMV" (meaning fair market value) of his home as exempt property. The time for objecting to the exemption has expired (unless the debtor were to assert that he fraudulently claimed the exemption or that 11 U.S.C. § 522(q) will apply in this case). See Fed. R. Bankr. P. 4003(b). Because the debtor does not contend that he fraudulently claimed the exemption or that § 522(q) will apply in this case, the debtor has failed to show that the property has not become exempt property. 11 U.S.C. § 522(l). Property, once exempt, is no longer property of the estate. Accordingly, the debtor has not shown that stopping the foreclosure sale would have an impact on the administration of the estate. It follows that the motions are not "related to" the bankruptcy case.

For all of these reasons, the court lacks subject matter

