

ENTERED ON

JUL 28 2006

DOCKET

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	)	CHAPTER 7
	)	
MICHAEL T. HUGHES	)	CASE NO. 04-98206-MHM
	)	
Debtor	)	

UNIFUND FINANCIAL CORPORATION	)	
	)	
Movant	)	
v.	)	CONTESTED MATTER
	)	
MICHAEL T. HUGHES,	)	
	)	
Respondent	)	

RUSSELL MCCRAW,	)	
OLD REPUBLIC NATIONAL TITLE	)	
INSURANCE COMPANY,	)	
MICHAEL E. MCELROY,	)	
VICKI R. MCELROY	)	
	)	
Movants	)	
v.	)	CONTESTED MATTER
	)	
MICHAEL T. HUGHES	)	
	)	
Respondent	)	

UNIFUND FINANCIAL CORPORATION,	)	
LARRY D. MCCREARY, MONICA BYRD	)	
	)	
Movants	)	
v.	)	CONTESTED MATTER
	)	
MICHAEL T. HUGHES	)	
	)	
Respondent	)	

REISSUED ORDER DENYING DEBTOR'S OBJECTIONS TO CLAIM
AND MOTIONS TO OVERTURN JUDGMENT

On May 25, 2006, Debtor filed *pro se* four pleadings, two entitled Objection to Claim and Motion of Overturn Judgement [docket nos. 77 and 79] and two entitled Objection to Claim [docket nos. 78 and 81]. On June 30, 2006, Debtor filed *pro se* two more pleadings: a second objection to claim [docket no. 86] and a Motion to Release Debtor from his Contempt Charges and Overturn All Fulton County Contempt Charges on the Basis of Automatic Stay Provisions under the U.S. Bankruptcy Code and Other Laws [docket no. 87]. Debtor's requests to overturn judgments relate to three criminal contempt orders entered postpetition by the Superior Court of Fulton County, two against Debtor and one against Dana Clements a/k/a Dana Hughes.

This is a Chapter 7 case, filed November 16, 2004, as a no asset case. In a no-asset case, the debtor lacks standing to object to a claim. *In re LaPointe*, 39 B.R. 80 (Bankr. W.D. Ky. 1984); *In re Umbles Drew-Hale Pharmacy, Inc.*, 80 B.R. 421 (Bankr. N.D. Ohio). Therefore, Debtor's objections to claims will be overruled for lack of standing. When the Chapter 7 Trustee has completed his examination of Debtor and investigation regarding Debtor's assets, if assets are available for distribution to creditors, notice will be provided to creditors with a deadline for filing proofs of claim. The Chapter 7 Trustee will then have an opportunity to file objections to the proofs of claim. If any of Debtor's creditors file adversary proceedings regarding the dischargeability of their claims or objecting to Debtor's discharge, Debtor will have the opportunity in those proceedings to challenge the validity of the claims.

Debtor has also requested this court to overturn criminal contempt orders entered by the Fulton Superior Court. Criminal matters, including criminal contempt proceedings, are not subject to the automatic stay of 11 U.S.C. §362. Additionally, the bankruptcy court lacks jurisdiction to review and overturn judgments entered by a state court. With regard to criminal judgments, if an individual believes a state court criminal judgment is invalid, Debtor must first exhaust his or her state law remedies, through appeals or motions for a writ of *habeas corpus*, and only then may he or she seek relief in the U.S. District Court by filing a petition for writ of *habeas corpus* in the U.S. District Court. See 28 U.S.C. 2254. Accordingly, it is hereby

ORDERED that Debtor's objections to claim are *overruled* and the motions to overturn judgments are *denied*.

The Clerk is directed to serve this order upon Debtor, Movants, attorneys for Movants, and the Chapter 7 Trustee.

IT IS SO ORDERED, this the 28th day of July, 2006.



MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE