

WD

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)	
)	
FRANCIS JOSEPH MONAHAN, III,)	CASE NO. 13-21475
)	Chapter 7
Debtor.)	
*****)	
FRANCIS JOSEPH MONAHAN, III,)	
)	
Plaintiff,)	
)	
V.)	ADVERSARY NO. 13-2083 jpk
)	
STEPHEN T. HALEY and)	
PORTER COUNTY SHERIFFS)	
DEPARTMENT,)	
)	
Defendants.)	

ORDER FOR HEARING

This adversary proceeding was initiated by a Complaint filed on June 7, 2013. The Clerk issued summons on June 11, 2013; no certificate of service of process has been filed in this case as of July 10, 2013. The two summons issued by the Clerk are therefore stale.

A perplexing matter has arisen, perhaps in relation to this adversary proceeding, and perhaps not; however, the court will choose this adversary proceeding as the mechanism for discussing this matter. On June 7, 2013, the undersigned judge received a mailing from the Honorable William Alexa, judge of the Porter Superior Court. That mailing was comprised of a certified transcript of proceedings in Cause No. 64D02-0804-PL-3332 in relation to a hearing held on June 4, 2013; The state court case in which the hearing was held was initiated by the State of Indiana against the debtor Frank J. Monahan, III, and others. However, the transcript appears to address matters which have been raised in the complaint filed in this adversary proceeding. The next to last paragraph on page 7 of the transcript states:

But the action with regard to the vehicles will be transferred to the bankruptcy court for appropriate proceedings by that court.

A state court has absolutely no mechanism or authority to transfer any proceeding to a federal court. If matters are pending in a state court when a bankruptcy case is filed, under certain circumstances those matters may be removed to the bankruptcy court by proceedings initiated by a party to the action, but not by the court in which the action is pending. Perhaps Judge Alexa isn't transferring anything to this court, but rather is stating that any matters in relation to those addressed in this adversary proceeding will not be addressed by him but rather will be left to the appropriate proceedings in the United States Bankruptcy Court.

IT IS ORDERED that a hearing will be held on **August 19, 2013, at 1:00 P.M.**, to address the following:

1. Service of process upon the defendants in this adversary proceeding; and,
2. The intent of the foregoing order issued by the Honorable William Alexa, Judge of the Porter Superior Court.

IT IS FURTHER ORDERED that the Clerk shall scan, and then place in the record of Adversary Proceeding No. 13-2083, the entire mailing received by the undersigned on June 7, 2013.

Dated at Hammond, Indiana on July 17, 2013.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Attorneys of record
Stephen T. Haley, pro se
Porter County Sheriff Department, pro se