

2015 WL 5999068

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United States Court of Appeals,
Second Circuit.

In the Matter of JOURNAL REGISTER COMPANY

Journal Register Company, Debtor.

James D. Schneller, Appellant,

v.

Journal Register Company, Appellee,

Pulp Finish 1 Company, fka Journal
Register Company, Consolidated–Appellee.

No. 14–2280. | Oct. 15, 2015.

Appeal from a judgment of the United States District Court
for the Southern District of New York (**Castel**, J.).

Attorneys and Law Firms

James D. Schneller, pro se, Norristown, PA, for Appellant.

Shaunna Dionne Jones, Willkie Farr & Gallagher LLP, New
York, NY, for Appellee.

Matthew B. Lunn, **Michael R. Nestor**, **Kenneth J. Enos**,
Young Conaway Stargatt & Taylor, LLP, New York, NY, for
Consolidated–Appellee.

Present **DENNIS JACOBS**, **RAYMOND J. LOHIER, JR.**,
Circuit Judges, and **GEOFFREY W. CRAWFORD**,* District
Judge.

SUMMARY ORDER

***1 UPON DUE CONSIDERATION, IT IS HEREBY
ORDERED, ADJUDGED, AND DECREED** that the
judgment of the district court is **AFFIRMED**.

Footnotes

* The Honorable Geoffrey W. Crawford, of the United States District Court for the District of Vermont, sitting by designation.

21 Appellant James D. Schneller, *pro se*, appeals from the
judgment of the district court (**Castel**, J.), affirming four
orders of two bankruptcy courts (**Bernstein, B.J.**; **Gropper,**
B.J.). We assume the parties' familiarity with the underlying
facts, the procedural history of the case, and the issues on
appeal.

“The rulings of a district court acting as an appellate court in
a bankruptcy case are subject to plenary review.” *In re Stoltz*,
315 F.3d 80, 87 (2d Cir.2002). We “review the bankruptcy
court decision independently, accepting its factual findings
unless clearly erroneous but reviewing its conclusions of
law *de novo*.” *In re Enron Corp.*, 419 F.3d 115, 124 (2d
Cir.2005). Several of the bankruptcy court orders Schneller
challenges are reviewed for abuse of discretion. See *In re*
Coudert Bros. LLP, 673 F.3d 180, 186 (2d Cir.2012) (motion
for reconsideration); *In re Smith*, 645 F.3d 186, 189 (2d
Cir.2011) (motion to reopen); *E. Equip. & Servs. Corp. v.*
Factory Point Nat'l Bank, Bennington, 236 F.3d 117, 120 (2d
Cir.2001) (motion for sanctions).

An independent review of the record and relevant case law
reveals that the district court properly affirmed the orders
denying Schneller's motions to reopen, to reconsider, and
for sanctions, and the order expunging Schneller's claim. We
affirm for substantially the reasons stated by the district court
in its thorough May 22, 2014, memorandum and order.

With respect to Schneller's challenge of the district court's
order denying him leave to appeal *in forma pauperis*, we
DISMISS his challenge as moot. We have considered all of
Schneller's remaining arguments and find them to be without
merit. Accordingly, we **AFFIRM** the judgment of the district
court.

All Citations

--- Fed.Appx. ----, 2015 WL 5999068 (Mem)