

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

In re:

Case No. 6:08-bk-10871-ABB  
Chapter 13

BRANDON E. McCONICO,

Debtor.

**ORDER**

This matter came before the Court on the Motion for Rehearing, Motion to Set Aside "In Rem" Order, Reinstate Case and Motion to Impose the Automatic Stay (Doc. No. 46) filed by Brandon E. McConico, the *pro se* Debtor herein ("Debtor"), seeking reconsideration of the Order entered on January 23, 2009 (Doc. No. 41) granting CitiFinancial Services, Inc. 344 LLC ("CitiFinancial") relief from the automatic stay.

CitiFinancial holds a mortgage lien on the Debtor's property located at 2100 White Sands Drive, Titusville, Florida. A hearing on CitiFinancial's stay relief motion was held on January 21, 2009 at which the Debtor, counsel for CitiFinancial, and counsel for the Chapter 13 Trustee appeared. An Order was entered on January 23, 2009 granting CitiFinancial relief from the automatic stay "with prejudice" based on the finding:

This bankruptcy case was part of a scheme to delay, hinder, and defraud creditors that involved multiple bankruptcy filings affecting the subject property.

January 23, 2009 Order at p. 1.

The Debtor's Motion is governed by Federal Rule of Civil Procedure 59(e), which is made applicable to bankruptcy proceedings through Federal Rule of Bankruptcy Procedure 9023. In re Waczewski, Case No. 6:06-bk-00620-KSJ, 2006 WL 1594141, at \*4 (Bankr. M.D. Fla. May 5, 2006). The only grounds for granting a motion for reconsideration "are newly-discovered evidence or manifest errors of law or fact." Kellogg v. Schreiber (In re Kellogg), 197 F.3d 1116, 1119 (11th Cir. 1999).

The Debtor has presented no newly-discovered evidence or manifest error of law or fact warranting the reconsideration or amendment of the January 23, 2009 Order. No basis for reconsideration or amendment of the January 23, 2009 Order has been established pursuant to Federal Rule of Civil Procedure 59(e).

Accordingly, it is

**ORDERED, ADJUDGED and DECREED** that the Debtor's Motion (Doc. No. 46) is hereby **DENIED**.

Dated this 17<sup>th</sup> day of February, 2009.

/s/Arthur B. Briskman  
ARTHUR B. BRISKMAN  
United States Bankruptcy Judge